

WYCLIFFE COLLEGE LIBRARY



3 1761 02876 6699

SAINT ALPHONSUS LIGUORI:

OR,

EXTRACTS,

TRANSLATED FROM

THE MORAL THEOLOGY

OF THE ABOVE ROMISH SAINT,

WHO WAS CANONIZED IN THE YEAR 1839.

His works established by the Pope. (Tablet-on
WITH

REMARKS THEREON.

BY THE

REV. R. P. BLAKENEY, B.A.

MINISTER OF CHRIST CHURCH, CLAUGHTON, BIRKENHEAD.

LONDON:

PUBLISHED AT THE REFORMATION SOCIETY'S OFFICE,

8, EXETER HALL, STRAND.

1852.

11511

Bx

1747

62

45178083



PREFACE TO SECOND EDITION.

THE Editor in presenting the second edition to the public, avails himself of the opportunity to express his thankfulness for the success which the work has met in exposing the immoral teaching of the Church of Rome.

The importance of the “Awful Disclosure” is at once evident from the fact, that since its appearance the public journals (even the “English Churchman”) and all Protestant Controversialists have drawn arguments from it, in proof of the anti-social character of Popery.

We have no hesitation in saying that the exposure of Romish sentiments as expounded by the Saint, is one of the heaviest blows which the Church of Rome has received for a long time.

Cardinal Wiseman has written the life of Liguori; but no attempt has been made to rebut the charges of

immorality which are brought against the Saint's moral theology. The conclusion may be fairly drawn that the attempt is regarded as hopeless.

The translation is literal :—The references to authors are given in the *usual* contracted form in order to save space, but the Editor has appended *a list of their names in full*, and the century, if known, in which they lived.

PREFACE TO THE FIRST EDITION.

THE circumstances which called forth this publication were simply as follow. The Rev. R. P. Blakeney delivered a lecture in the Assembly Rooms, Nottingham, on “The tendency of Romanism to destroy man’s best interests even in this world;” in proof of one of his points, viz. that Romanism is immoral in its principles, he quoted various passages from the “Moral Theology of Alphonsus Liguori.”

In one or two instances the references to pages happened to be mis-printed, and hence, one of the Roman Catholic Priests ventured to put forth the assertion that in some of the passages “referred to, not one word of the alleged matter could be found *there*.”

For a time this caused great excitement amongst the townspeople, who were led to suppose that a Protestant Clergyman was found guilty of gross dishonesty. No doubt the Roman Catholic Priest supposed that Mr. B. (in consequence of a statement published in the lecture, that he was indebted to Mr. Campbell of America for *reference* to the passages,) did not possess the original works, which are almost unknown to British Protestants, and would therefore be unable to authenticate them. Suffice it to say, that Mr. Blakeney placed the original volumes in the Protestant Li-

brary for public inspection, with all the passages marked to which he had referred; and moreover published in the newspapers a certificate from six gentlemen bearing testimony to the correctness of the translation.

In truth, the Roman Catholic Priest's conduct was a striking exemplification of the principles of equivocation or double-speaking, which the Church of Rome has authorized in Liguori. It appeared that the passages *were* in the works of *the Saint*, but the word "*there*" contained the equivocation. This circumstance directed Mr. Blakeney's attention more particularly to the "Moral Theology of Liguori," and he determined to issue a series of tracts containing specimens of the morality sanctioned and taught by Rome. The work has much exceeded the limits which were at first designed, but it is hoped that the "Awful Disclosure" will awaken Protestants to a sense of the necessity of arresting the progress of Romanism, which is so iniquitous in its character.

The Translation is strictly literal, and no freedom whatever taken with the text.

The names of various authors—Filliucius—Sanches—Lessius—Escobar, &c. &c., are left in the contracted form, that the passages might be as little encumbered as possible.

INTRODUCTION TO THE FIRST EDITION.

IN this day of rebuke and blasphemy, when Popery is honoured and endowed—when the Church of Rome is by every means extending her borders—it is necessary to lay bare her iniquities, and prove that the principles of Rome are such as will sap the foundations even of morality.

It must be admitted that Popery progresses; not long since, this great nation regarded it as a system full fraught with danger to man's best interests in time and eternity: the sentiments and feelings of our fathers as to Romanism, may be seen in the protective laws which were enacted for the preservation of civil and religious liberty,—but the hedge which their zeal, yea, wisdom and prudence had planted around this great country has been torn up: the laws which were to a great extent rendered necessary by the restless and anti-social principles of Popery have been repealed.

Though once, the subjects of the Pope had no share in our administrations, now they legislate in our Senate

House; though once, the national treasures of the British nation were exclusively dedicated to the support of eternal truth, they are now expended likewise in the endowment of error and idolatry; and at this very time, a bill is being passed by the Legislature, which will confer greater favours upon the Papacy, and even legalize the Jesuits, who have been expelled from some Romish countries.

Britain, emphatically and justly called great, is, alas, being revolutionized: she was great, because “righteousness exalteth a nation,” but now the principles, to the maintenance of which we must impute her prosperity, are nationally despised by the national Senate:—Infidelity and Latitudinarianism have laid their cold hand upon a great portion of the people, while Popery has grasped the remainder.

Hence, Romish Chapels and Cathedrals, costly, magnificent, and commodious, are every where rising up—the members of the Church of Rome are labouring in their respective spheres and by every means, for the perversion of the people. The cause of Rome has been pleaded in the pulpits of the Anglican Zion, and by men who are the professed ministers of a Protestant Church, but who probably belong to the Jesuit order; defections are daily taking place from the ranks of Protestantism, and so elated are Roman Catholic countries at the prospect of England’s once more receiving the Papal yoke, that not only are prayers offered up for her conversion, but even thanksgivings for the Papal tendency which has appeared.

But has Romanism progressed only in its naked form? No! *It has advanced in the estimation*—generally speaking, of the country at large.

Once, and not a great while ago, the British Senate House was essentially Protestant,—its members regarded Romanism as a foul and destructive system,—and they were the fair representatives of the sentiments of the nation in general; but now, the man who speaks of legislating upon religious principles in the legislative assemblies, is looked upon as a fanatic. Protestantism is laughed at; the cry of “No Popery” is regarded as absolutely unworthy of men of reading, common sense, and enlarged views: and the impression rests upon the minds of most men who even still retain the name of Protestant, that Popery, if not absolutely true, is a much mis-represented system—that the charges brought against it on the ground of its anti-social character are false and altogether unfounded. Miserable ignorance, blind infatuation!

Popery has progressed not only in its naked form, but even secretly and influentially. The labours of Romish Priests and the sophisms of Jesuits have not failed in casting a mantle over the deformities of Rome and hiding them from the view of Protestant England. In short, the God-dishonouring and blood-stained harlot has made England (I speak generally) drunken with “the wine of her fornications.”

The worldly wise men who think favourably of Popery, and suppose that it is not inimical to the best even temporal interests of mankind, must acknowledge that they

are fools before they can become truly wise. The Infidel Senators who dare to scorn the truth of that God; by whom “kings reign and princes decree justice,” and rave about “the harmless and injured Church of Rome,” must renounce their blind infatuation, their anti-christian folly, ere they can vaunt themselves on the possession of truthful and enlarged views. Such men are not only inconsistent with the great principles of Bible Christianity, but also ignorant of those indisputable proofs which brand upon the forehead of the Church of Rome the title of the Antichristian Apostasy, “the mother of harlots, and abominations of the earth.”

Rome sanctions—teaches principles which are not only soul-destroying in their character, but also baneful to the interests of society, and injurious to the welfare of the nation,—principles of equivocation, lying, perjury, “doing of evil that good may come,” and the extermination of Protestants. She establishes practices which bind the galling chains of slavery around mankind, and must degenerate and demoralize the noble and the virtuous.

But what evidence have we for these bold assertions, for bold we admit they are? Perhaps it will be said, “give us evidence, and not mere assertion; let that evidence be of such a character that it cannot justly be evaded—evidence which will indisputably prove that Rome has sanctioned those principles and obliges her members to them.”

UNHESITATINGLY WE SAY, HERE IT IS.

With the sentiments taught in “The Moral Theology of Liguori” the Church of Rome is completely identified ; she has considered and re-considered—examined and re-examined his works—and her deliberate sentence is, that they contain “*not one word worthy of censure.*” She has canonized the author ; but when ? Do we adduce principles taught in the dark ages ? no, not even the sentiments of a century ago, but principles *approved in the 19th Century,—seven years since,—aye, principles by which every Romanist prays that he may be taught.*

When first Dens’ Theology was dragged into light, and the abominable principles which it contains exposed, a great cry was raised by the Romish party throughout the country that they were not responsible for the sentiments of a man whose works were not examined and approved by the authorities of the Church. Clearly it was then shewn that the book was sanctioned by the Romish Archbishop of Dublin, and set up as the conference book of the Roman Catholic Clergy in the diocese of Leinster. The Clergy of the Church of Rome were ashamed to acknowledge themselves as the patrons of such views, which they felt were too open and glaring, and they knew that if a prompt denial were not given, their cause might be injured in the estimation of a Protestant people :

BUT A WORSE THAN DENS IS HERE !

One who is more open, explicit, and less guarded in the exposition of Roman Catholic Principles.

The moral theology of Liguori cannot be repudiated. Every Romanist is bound to pray that he may be taught by his admonitions,—the nature of those admonitions is unfolded in the “Awful Disclosure” which follows,—and God grant that the exposure may lead to the enlightenment of Protestants on this momentous question. Let Romanizing and guilty rulers know that Popery not only destroys the soul by its damnable idolatries, but even the fairest temporal interests of mankind. Popery is a system of spiritual and corporeal despotism. It is a prolific source of vice; it is a tremendous conspiracy against the welfare of the human family; the “very masterpiece of the devil.” There is no immoral principle which it would not adopt, no unhallowed means of which it would not avail itself to accomplish its nefarious designs. By the device of Popery, Hell has made its greatest effort for the destruction of man’s temporal and eternal well-being.—Satan can devise no more powerful engine whereby to dishonour God and debase the creature. Wherever Popery prevails it must bring a curse, and the more devoted and religious the members and priests of that Church are, the less can they be trusted as members of society.

May God convert the deluded votaries of so foul a system, and awaken Protestants to a sense of their privileges and duties.

CERTIFICATE.

WE, the undersigned, beg to state that the Latin not translated in this Volume, especially that on the Confessional, is unfit for Protestant eyes or ears, and must therefore be left in its original.

JOHN CUMMING.

THOMAS HARTWELL HORNE.

CONTENTS.

CHAPTER I.

	PAGE
Brief Memoir of Liguori, his Miracles, Austerities, Canonization, and the Authority of his Works	17

CHAPTER II.

The Probable System	32
-------------------------------	----

CHAPTER III.

The Infallibility of the Pope	47
-----------------------------------------	----

CHAPTER IV.

Prohibition of Books	51
--------------------------------	----

CHAPTER V.

The Lawfulness of dissembling or concealing the Faith	65
-----------------------------------------------------------------	----

CHAPTER VI.

It is lawful to do Evil that Good may come, proved to be one of the Principles of the Church of Rome	72
-------------------------------------------------------------------------------------------------------------------	----

CHAPTER VII.

Cursing	90
-------------------	----

CHAPTER VIII.

Equivocation	92
------------------------	----

CHAPTER IX.

Oaths	124
-----------------	-----

CHAPTER X.

Adjuration	150
----------------------	-----

CHAPTER XI.

	PAGE
Papal Observance of the Sabbath—Children may enter Monasteries and Convents in opposition to Parents—It is lawful to slay one- self indirectly	158
Disgusting Character of his Treatise on the Sixth and Ninth Com- mandments	164

CHAPTER XII.

Romish Morality as to Theft and Restitution	177
-------------------------------------------------------	-----

CHAPTER XIII.

Contracts and Wills	192
-------------------------------	-----

CHAPTER XIV.

The Inquisition	196
---------------------------	-----

CHAPTER XV.

The Confessional	215
----------------------------	-----

CHAPTER XVI.

Orders and Absolution	356
---------------------------------	-----

CHAPTER XVII.

Laws promulgated at Rome binding	359
--------------------------------------------	-----

CHAPTER XVIII.

Persecuting teaching of the Epitome	362
-----------------------------------------------	-----

APPENDIX	376
---------------------------	-----

SAINT ALPHONSUS LIGUORI.

CHAPTER I.

BRIEF MEMOIR OF LIGUORI, HIS MIRACLES, AUSTERITIES,
CANONIZATION, AND THE AUTHORITY OF HIS WORKS.

Brief Memoir.

CARDINAL WISEMAN has written the lives of the saints who were canonized in the year 1839; amongst whom was Alphonsus Liguori.

We quote from his work as follows:—

“ He was born on the feast of SS. Cosmos and Damian, in the year 1696, at Marianella, near Naples, and was baptized by the names of Alphonsus Mary on St. Michael’s day following. Not many days afterwards, the venerable St. Francis de Girolamo, whose virtues will be described in another place, coming into his father’s house, blessed the infant; and turning to his mother, said, ‘ This child will live to an exceeding old age, he will not die before his ninetieth year, he will be bishop, and will do great things for Jesus Christ.’ How the event confirmed this prediction, we shall soon see. He was instructed by his excellent mother in the practice of virtue and the knowledge of the divine law, and by his obedience, docility, and piety, fully corresponded to her fondest desires. Amongst his companions he was affectionate and modest; and to his elders, he was respectful and obedient. So eagerly did he apply to the study of canon and civil law, for the profession of which his father had destined him, and so great was his progress, that a dispensation of three years and some months was necessary to enable him to pass his examination for the degree of doctor in both, as he was only in his sixteenth year (1713). The pursuit of these sciences did not diminish his devotion especially towards our Lord, present in the eucharist, and his virgin mother, and he daily visited the church in which the devotion of the Forty Hours was per-

formed, during which the blessed sacrament is exposed, amid great splendour, to the veneration of the faithful. On these occasions, he was conspicuous for his regular attendance, his recollection and fervour, and he kept his eyes fixed constantly on the object of his love ; so that three ecclesiastics, who were accustomed to frequent the same churches, were moved by a holy envy to imitate the surpassing piety of the young cavalier, whose name they for a long time sought to discover. He adopted likewise the habit of visiting the Hospital of the Incurables, towards whom he discharged all the duties of charity which they required, with such affection and kindness, that it was easy to see that, in their persons, he honoured Jesus Christ himself as present."

" He embraced the profession of the law, and rose in a short time to such eminence, that the most difficult and most intricate cases were confided to him from every part of the kingdom. But he did not allow his zeal for his clients, or his diligence in his pursuits, to seduce his mind from the most upright justice, or from the practice of the most exemplary virtue. He heard mass every morning before going to the court, and punctually observed all the fasts and other precepts of the Church. He went to the sacraments every eight days, and did not fail every year, by a spiritual retreat, to amend the failings of the past twelvemonth, and renew the fervour of his good resolutions.

" The favour with which the Emperor Charles VI., who at that time governed Naples, regarded his family, and the high forensic honours to which he was likely to rise, induced the first families to desire an alliance with him by marriage. A sermon which he heard about this time, in which a description was given of a cavalier who had been condemned to hell, and had appeared afterwards to a lady of his acquaintance, created a strong sensation in the whole audience, and especially in Alphonsus, who thereupon gave himself up more than ever to God, visited the hospital more frequently, and formed the resolution never again to go to the theatre, and to attend every day to the devotion of the Forty Hours ; which he punctually put in practice. But the following circumstance fixed his determination of totally abandoning all worldly pursuits. In a feudal suit between two powerful princes he had been retained for the defence. He spent a whole month in preparing his proofs and studying the case, and when the trial came on,

he gained the applause and suffrages of the immense audience whom the importance of the cause, and his reputation, had drawn together. The president was on the point of pronouncing a decision in his favour, when the opposing counsel, instead of attempting to reply, begged him with a smile to re-examine the process. He consented, without the slightest hesitation, trusting to the force and clearness with which he had maintained his case; but what was his surprise, when he discovered in the process a simple negative particle, which he had not before noticed, but which totally destroyed the whole groundwork of his argument. Accustomed as he was to undertake his causes with the most scrupulous sincerity, he was abashed and confounded with the apprehension, lest the fault should be ascribed to him, but the audience unanimously acquitted him, and the president endeavoured to cheer and encourage him, by observing, that in the ardour of defence and the desire of success, such oversights often occur to the most upright men. But his countenance was immediately covered with shame and confusion, and after having honestly confessed that he had been mistaken, and begged pardon of the court, he modestly took his leave, and as he went out of the court, was heard to say, ‘ Deceitful world, I know thee: thou shalt no longer mislead me.’ He returned home, and for three days shut himself up in his chamber, and shed many tears before his crucifix. During this time he resolved to quit the profession of the law, and consecrate himself to the ecclesiastical state. He sought the advice of his directors, and they approved of his resolution. But when he requested his father to consent to his desire, he met with nothing but harshness, reproofs, and refusals. At last, he obtained his permission to enter the Church, but upon condition that he should not leave home; and even for a whole year following, he refused to speak to him. Thus, at the age of twenty-seven, he fled from all the allurements and distinctions of the world; and the lady to whom he was to have been married, following his example, became a religious in the convent of the Blessed Sacrament in Naples, where she exhibited during life and at her death such proofs of virtue, that the saint afterwards wrote her life.” * * *

“ He received subdeacon’s orders in the church of St. Restituta on the 22nd of September, 1725, and immediately afterwards, in order to prepare himself better to labour in the vineyard of the Lord, he entered a congregation, formed for

the purpose of giving missions or courses of sermons, for the instruction and improvement of the people in virtue, throughout the kingdom of Naples. His office was to teach catechism to the children ; and in a short time his gentleness and meekness so completely won the hearts of all, that they ran after him, as he was departing, and begged him to remain amongst them. On the 6th of April of the following year he was ordained deacon, and at once obtained leave to preach, and delivered his first sermon in his own parish church during the Forty Hours' exposition, in honour of Jesus present in the Blessed Sacrament. The fervour and unction with which he spoke were a source of profit and edification to the faithful, and he was invited to preach first in one church and then in another, particularly during the Forty Hours' prayer. But his unceasing labours soon brought on a dangerous illness, in which his life was saved, when he was at the very point of death, *by the intercession of the Blessed Virgin of Mercy, a statue of whom was brought to his bed-side.* Immediately upon his recovery, the Cardinal caused him to be ordained priest on St. Thomas the Apostle's day, in the same year, 1726.”—(p. 9. Lives of Saints, Lond. 1846.)

Having alluded to the zeal which marked his conduct, the Cardinal says,—

“ And his loving patroness, our Blessed Lady, rewarded his zeal in the cause of charity and devotion, by appearing to him in the sight of an immense crowd of people, collected in the church of Foggio, to listen to a discourse upon his favourite subject, the intercession and patronage of Mary. From her countenance a ray of light like that of the sun was reflected upon that of her devout servant, which was seen by all the people, who cried out, *a miracle ! a miracle !* and recommended themselves with great fervour and many tears to the Mother of God ; and many women of abandoned life were seized with such intense sorrow, that they mounted upon a platform in a church, and began to discipline themselves and cry aloud for mercy, and then leaving the church retired to the house of penitents in that city. Alphonsus, in his juridical attestation deposed, that, during the sermon, he, together with the assembled audience, saw the countenance of the Blessed Virgin, resembling that of a girl of fourteen or fifteen years of age, who turned from side to side, as was witnessed by every one present.”—(p. 12. ibid.)

The rise of the order of Redemptionists, now well known in England, is recounted by Wiseman as follows :—

“ Whilst he was preaching the mission in the city of Scala, he was invited by the nuns of a certain convent to preach during the novena, preceding the festival kept in honour of our Lord’s crucifixion. Among these religious was one of holy life, and favoured with many supernatural graces, by name Sister Mary Costarosa, who had founded or reformed several convents. One day, while she was in the confessional, conversing with the saint about spiritual things, she said to him, ‘ God does not wish you to remain at Naples, but calls you to the foundation of a congregation of missionaries, who shall afford spiritual relief to the souls of those who are now most out of the reach of instruction.’ These words threw Alphonsus into great affliction and trouble of mind, for he knew not whether such was the will of God, and saw himself surrounded with difficulties, and without companions to aid him in the enterprise. He prayed earnestly to the Father of Lights to illumine his understanding, and make known to him his divine will ; and after consulting many persons famous for their discernment of spirits and approved virtue, was persuaded that God intended him to put in execution this design, of founding a new congregation of missionaries. As soon as the report of his intention spread over Naples, there were found many, who, from the fear of losing so zealous a missionary, or from the difficulties that seemed to oppose his undertaking, strongly disapproved of the design. He met with much resistance on the part of the Cardinal Archbishop and several ecclesiastics, who, considering the good effected by his means in Naples, could not be induced to believe that God expected anything more at his hands. His father assailed him with tears and remonstrances, begging him not to abandon him ; and Alphonsus afterwards confessed that this was the most violent temptation he had ever met with during the whole of his life, and that God alone had enabled him to bear up against it. To avoid every other assault he secretly left Naples in the beginning of November 1732, and proceeded, with a few companions, to Scala, where the bishop had already invited him to open the first house, and begin the foundation of the order. There he went to live, with his companions in a wretched house, with a small garden belonging to it. He obtained leave to turn one of the rooms into an oratory, in which, upon

the 9th of November of that year, after a votive Mass of the Holy Ghost had been sung with the *Te Deum*, in thanksgiving for the graces already received, he laid the foundation of the new congregation, then styled of our Blessed Saviour, whose members were to employ themselves in preaching, and carrying the comforts of religion to the poor peasants, who, living in scattered huts over the country, or in the small villages and hamlets, are often deprived of the benefits of instruction and the frequentation of the sacraments. His first companions were twelve in number, ten priests and two advocates, not yet admitted to orders, besides one lay-brother, who served them, by name Vitus Curzio, a rich gentleman of Acquaviva; who having renounced all his worldly substance, in consequence of a vision which he had at Naples, chose this humble employment in the new order. The lives of these first fathers has been justly compared to that of the holy penitents described by St. John Climacus in his *Mystic Ladder*. Their house was small and inconvenient, their beds a mere sack of straw resting upon the floor; and their only food, in general, was a dish of soup, which was both insipid and disagreeable, with a small quantity of fruit. The bread was black and not even leavened, through the inexperience of the lay-brother who made it, and so hard that it was necessary to pound it in a mortar before they could eat it. This miserable food, which they eat kneeling or stretched upon the ground, they rendered still more nauseous, by sprinkling it over with some bitter stuff, and many of them, before eating, licked the floor with their tongue. They disciplined themselves three times in each week. To mortification they joined a spirit of fervent prayer. Besides reciting the office in choir, they assembled three times in each day for half an hour's prayer, which was followed by another half-hour for reading the Lives of the Saints. A quarter of an hour was appointed for a visit to Jesus in the Holy Sacrament, and Our Lady, but they remained during the greater part of both day and night in prayer before the blessed Eucharist. They assisted at mass with the most edifying recollection and devotion. Their only relaxation was for an hour after dinner, which they spent in spiritual conversations, or in speaking of the actions of the saints. But while Alphonsus was the spirit and mover of all these pious exercises, he exceeded all his brethren in his mortifications, his fervour, and his exact practice of recollection and silence; and in order to

conceal the severity with which he disciplined his body, he frequently retired to a cell or cave, in which, it was commonly reported, Our Lady several times appeared to him. Meanwhile, they did not forget the chief object of their institute; but by their preaching and apostolic labours, in Scala and the neighbouring places, the whole of the diocese assumed a new appearance, and many extraordinary conversions were effected.”—(p. 14. *ibid.*)

His end is thus described :—

“ Four days before his death, he was seized with such convulsions, and the gangrene, already mentioned, had increased to such a degree, that he lost the use of his speech: but he continued to accompany his religious in the prayers which they recited for him, and opened his mouth, with great joy and satisfaction, to receive the blessed Sacrament. When the holy names of Jesus and Mary were uttered, he seemed to gain fresh strength; and when an image of Our Lady was brought to him, on the day before his death, he opened his eyes, and fixed them upon her, whom he had always revered and loved as his mother, and his countenance beamed with delight and tenderness. Soon afterwards, he fell into his agony, but he remained so calm and placid, that the fathers, who were round him, did not perceive that he was about to breathe his last. Whilst his religious were reciting devout prayers for him, and shedding abundant tears, he pressed *the crucifix and the picture of Our Lady closely to his breast*, and so passed to the glory of Jesus, and the peace of the saints, on Wednesday, the 1st of August, in the year 1787, at the age of ninety years, ten months and five days.”—(p. 51. *ibid.*)

His Miracles.

These are mentioned by the Cardinal :—

“ Thus also, one of his religious friends going into his room, saw him *raised above the ground, with his arms stretched out towards the picture of Jesus and Mary*; but, as soon as the saint perceived him, he was covered with confusion, and said to him, ‘What! are you here? I enjoin you not to mention this to any one.’ In like manner, he endeavoured to conceal a miracle which he had wrought, by giving speech to a boy, who had never before been able to utter a word. The saint made the sign of the cross upon his forehead, and gave him a pic-

ture of Our Lady to kiss, telling him at the same time to say whom the picture represented ; and he immediately answered, ‘The Blessed Virgin.’”

* * * * *

“ Upon the following day, his body was buried with extraordinary pomp and ceremony in the church of St. Michele de Pegani, amid the tears and lamentations of the city of Nocera de’ Pagani, and of the whole kingdom of Naples. It pleased God to manifest the glory to which he had raised his servant, by a vision which he vouchsafed to a Teresian nun, in the diocese of Melfi. She was praying in the choir of her convent, when she heard a clear and distinct voice, which commanded her to tell her confessor, that she had seen the venerable Alphonsus Liguori, surrounded with splendour and glory. She replied, ‘I see no one !’ but, immediately afterwards saw, as she herself twice attested upon oath, ‘the servant of God in a globe of light or splendour ; to which,’ said she, ‘I can compare no light in this world ; but as near as I can describe it, it was like a bright sun reflected in the purest crystal ; and the holy prelate was so joyful and beautiful, that his flesh appeared like whitest ivory, and my soul swooned, as it were, through joy.’ The saint gave her many admonitions for her spiritual guidance, and concluded with these words, ‘Daughter, keep thyself ever in purity of heart, and let thy heart ever be possessed by God alone, and ever resigned in Him, to suffer for His sake, as much as it shall please Him, and to be always upon the earth, as if it were not upon it.’

“ The fame of the sanctity and miracles of the servant of God induced many devout and influential persons to petition the Congregation of Rites, to enrol his name among the saints. In the processes made in consequence of this petition, many miracles are related; but as the number of them is too great for insertion in this place, we content ourselves with relating those only which have been approved by the holy Congregation of Rites. Magdalen de Nunzio of Raino, near Benevento, suffered, in 1790, from an abscess in the left breast. A surgeon made an incision to let off the ulcerous matter, lest a gangrene should ensue. A considerable quantity of it ran off, but the gangrene, which had been already formed, continued to eat away the flesh around the seat of the disorder, so that the wound became still deeper, and it became necessary to cut away the greater part of the breast. But as she grew rapidly

worse, the surgeon ordered the rites of the Church to be administered. In the evening of that day, one of her neighbours coming to see her, brought with her a picture of the saint, with a small piece of his garment. By her advice, the sick woman recommended herself to Alphonsus, and placed the picture upon the wound, and swallowed a few threads of the relic in water. She then fell into a quiet sleep, and when she arose in the morning, discovered to her great surprise, that she was perfectly cured, and the whole of her breast restored, even that part which had been cut off, nor did she ever afterwards suffer any pain or inconvenience from it. Father Francis of Ottajano, of the Reformed Franciscan order, was attacked by violent rheumatic pains, accompanied with fever and spitting of blood; which daily increased, until the physicians pronounced that he had reached an advanced stage of consumption, and had not long to live. In this reduced state of body, and in daily expectation of death, he fervently recommended himself to the patronage of the saint, who had died a few days before, and placed a relic of him upon his breast, saying, ‘If thou art really in heaven, deliver me from this death, so disgusting and so much detested by all.’ As soon as he had spoken these words, he fell into a calm sleep, and awoke perfectly cured, to the admiration of his friends, who had supposed that he was already dead.

“The Congregation of Rites allowed the cause of his beatification to be brought forward in 1796, and on the 14th of May, 1802, decided that it might be safely proceeded with, the cardinal-reporter having declared that the theologians, who had examined his manuscript and printed works, had found nothing censurable in them. The invasion of the French into Italy interrupted the further progress of the cause, but upon the 15th of September, 1816, Pius VII. solemnly published the brief for his beatification.”—(p. 49. *ibid.*)

His Austerities.

The Austerities of Liguori have already been alluded to in the preceding extracts. We now quote from the Dublin Roman Catholic Calendar.

Father Dominic Corsano before the Congregation of Rites, described his Austerities to the following effect:—

“I know for certainty that this servant of God constantly

scourged himself unbloodily and bloodily, and besides the unbloody scourgings enjoined by his rule, he was wont to punish himself every day in the morning, before the usual hours of rising, and in the evening, after the signal for repose. On Saturdays, he *scourged* himself until the *blood flowed*. . . . I know that this servant of God *macerated his body* also with *haircloth with sharp points in it*, and with *chains* as well on the arms as on the legs, which he carried with him till dinner time, and these for the most part were so *armed with sharp points*, that *they filled with horror all who ever saw him*. I have heard it said also, that he had a dress filled with a *coat-of-mail with iron points*; that he had bandages of camel's hair; and other instruments of penance were casually seen by me, and by others of my companions, notwithstanding his zealous and circumspect secrecy. Of a similar kind was his extreme mortification in sleeping upon two planks covered with a sack, with a little straw in it, so that it appeared a hard stone. I frequently also heard that he slept during his few hours with a large stone *hung on and tied to his feet*. I well remember that *he never shaved himself*, when he was with us, *with a razor*, but only by little and little, he did it with *pincers*, and he caused his assistant friar to make his clerical crown with the same pincers."—(Dublin R. C. Calendar for 1840, account of Canonization, Battersby, Parliament St.)

His Canonization.

On May 26th, Trinity Sunday, 1839, he was Canonized at Rome. The Roman Catholic Calendar gives the following description of the assembly which met on that occasion:—

"The preceding year has been remarkable for an act which only occasionally occurs in the capital of the Christian world, and one similar to which did not take place for thirty-two years before. On this occasion, perhaps, there was a greater attendance than was ever previously witnessed. Together with his Holiness Gregory XVI., the principal actor, there were 40 Cardinals, 130 Patriarchs, Archbishops, and Bishops, all the Generals, Superiors, and members of religious orders in Rome, about 17,000 Clergymen from various countries, several Kings and Queens of different states, an innumerable number of Princes, Dukes, Earls, and about 250,000 of various other classes, independently of the inhabitants of Rome and

its environs. From Ireland, (or natives of Ireland,) in addition to a great number of Priests, the following Bishops were in attendance.”—(ibid.)

In explanation of the ceremony the Calendar says:—

“The Catholic religion has, in all ages of the Church, produced men gifted with extraordinary perfections, in whom it has pleased the Almighty to display his glory. The Popes, who are the interpreters of his will, have, in accordance with that design, elevated to the rank of Saints, to be honoured as such on earth, persons through whose means the Lord has wished to exhibit signs superior to the acknowledged power of nature. Thus we find that, in the tenth century, John XV. canonized St. Uldaricus, Bishop, and subsequently other Popes have canonized various holy persons; and in the year 1807, Pius VII. added some other names to the catalogue of the Saints. This solemnity, however, is always preceded by a *rigorous investigation*, which the sacred Congregation of Rites, composed of Cardinals and profound theologians enter into, in order to establish *the truth of the miracles*, which are affirmed to *have* been wrought through the intercession of the holy person.

“Such were the preliminary steps taken in the present great ceremony, which took place in the Church of St. Peter, in the Vatican, on the 26th of May, the Feast of the Most Holy Trinity. The Beatified, who were on this most solemn occasion elevated to the honour of Saints, were the blessed Alfonso Maria Liguori, bishop of St. Agatha de Goii, and founder of the congregation of our Blessed Redeemer; Francis di Geronimo, Priest of the Society of Jesus; John Joseph of the Cross, of the Reformed Order of St. Peter of Alcantara; Pacificus Da S. Severino, a Friar of the Reformed Minors; and Veronica Giuliani, Capuchin nun.”—(ibid.)

The following contains the form of prayer addressed to the Pope on the occasion:—

“The Cardinals having now retired to the seats prepared for them in the great semicircle, and the others having taken the places destined for them, a Master of Ceremonies introduced the Cardinal Procurator of the Canonization, having on his left a Consistorial Advocate. Having reached the throne and bowed profoundly to His Holiness; *the Advocate kneeling*, *prayed the Holy Father*, in the name of Cardinal Procurator, to be pleased to name among the saints, the beatified who were

about being canonized. The prayer was conveyed in the following words : ‘THE MOST REVEREND LORD CARDINAL N. HERE PRESENT, EARNESTLY SUPPLICATES THAT THE BLESSED N.N. MAY BY *your Holiness* BE ENROLLED AMONG THE SAINTS, AND BE DECLARED WORTHY OF BEING VENERATED AS SAINTS BY ALL CHRISTIANS.’”

Then follows the final sentence :

“*His Holiness* having resumed his seat on *the throne*, the Cardinal and his Advocate again came before him, and urged with great earnestness the prayer for the Canonization, in the already quoted form.

“To this third petition the same secretary replied, that His Holiness knowing that the desired Canonization was pleasing to God, he was resolved to pronounce a definite sentence, and then retired to his place. Upon this, the Cardinals and rest of the assembly standing up, and the Pope wearing his mitre, seated upon *his throne*, in virtue of that power which *the nations obey*—which *opens and shuts heaven*,—at which *hell trembles*, and against which the gates of hell cannot prevail, he pronounced from his chair, as Doctor and Head of the universal Church, the great sentence in the following words :

“To the honour of the Holy and undivided Trinity, for the exaltation of the Catholic Faith, and for the increase of the Christian religion, by the authority of our Lord Jesus Christ, of the holy Apostles Peter and Paul, *and by our own authority*, mature deliberation having been employed, and the divine assistance having been repeatedly implored, and by the counsel of our venerable brothers, the Cardinals, Patriarchs, and Archbishops of the holy Roman Church, now in this city, we decree and define the holy NN. *to be* Saints, and we add them to the catalogue of the Saints; appointing that their memory shall be honoured with pious devotion by the universal Church on certain days of the year, [here the days were specified,] in the name of the Father, and of the Son, and of the Holy Ghost. Amen.”—(ibid.)

The Authority of Liguori's Works.

This is a most important point to consider. The works of Liguori have received *the direct sanction of the Church of Rome*. The Roman Catholic Calendar speaking of this subject, says :

"The Congregation of Rites allowed the cause of his beatification to be brought forward in 1796, and on the 14th of May, 1802, decided that it might safely be proceeded with, the Cardinal Reporter having declared that the theologians, who had examined his manuscripts and printed works, *had found nothing censurable in them*. The invasion of the French into Italy interrupted the further progress of the cause, but upon the 15th of September, 1846, Pius VII. solemnly published the brief for his beatification."

Then follows the list of his works, amongst which are his "Moral Theology," and the "Glories of Mary."

The following letter, extracted from the Roman Catholic Calendar, p. 167, for 1845, enters more minutely into the authority of Liguori's Works :

"Circular of the Most Excellent and Reverend Lord Fillippo Artico, Bishop of Asti and Principe, domestic Prelate to his Holiness, and Knight of the Order of Maurice Saint Lazarus, addressed to his Clergy on the subject of the Torinese Edition of the Homo Apostolicus of St. Alphonso M. de Liguori."

"I announce to you, venerable brethren, a new edition of a work small in size, but great in merit. It is the work of St. Alphonso Maria de Liguori, of a saint whom I myself had the consolation of seeing collocate upon the altars in the Church of St. Peter, by our Most Excellent Pontiff Gregory XVI.—of a saint, who in this life merited and obtained the esteem and love of the Most Excellent Pontiff Benedict XIV., who quoted him with praise in his very celebrated works, 'Syn. Diocesana,' adopting doctrine from it, and calling him *prudens auctor*, while the Saint was yet but a simple priest; who, accepting the dedication offered to him of his moral works, by St. Alphonso, pronounced upon them the following eulogy in his brief of the 15th July, 1755, when, with his thanks, he says : 'Gratum accepimus tractatum Theologiae moralis, quem ea qua par est attentione perlectum . . . minime tibi dubitandum, quin futurum sit ut omnibus placeat quorum usui destinatur ;' who, in fine, being asked by the learned Neapolitan Missionary Jorio, for advice in some important matter, referred to Alphonsus, as to an oracle, saying, 'You have your Liguori—consult him.' Of Clement XIII. who compelled him to assume the episcopal dignity, which, through

humility, he was most unwilling to accept, saying to him : ‘ I am content that you should govern your diocese within your own doors ; sufficient for me is your very shadow to govern and improve your diocese.’ Of Clement XIV., who comforted Alphonso when he desired to resign his mitre, because he was already seventy years old, and weak, and could no longer visit his diocese, saying in a letter which he addressed to him, ‘ I am content that you should govern the Church from your bed ; one prayer of yours to God, even from your bed, will more avail your flock than a thousand visits from another. Of Pius VI., who in a letter to him dated in 1798, testifies that he has always loved and admired him, and who instituted the process on his life and doctrine within eleven years after his death, by which he was enrolled on earth as he had already been in heaven, among the blessed and holy saints.’ Of Pius VII., who called him ‘ Sanctissimum Antistitem.’ Of Leo XII., who declared him, ‘ Virum sanctissimum, itemque doctissimum ;’ to which point also Cardinal Gredil exalted him in his tract, ‘ De peccatis in genere,’ where he styles him ‘ Virum doctissimum.’ Of Pius VIII., who calls him ‘ Illustre Episcopalis ordinis decus ;’ and lastly of Gregory XVI., who, proclaiming him a saint in the bull of canonization, says : ‘ Illud imprimis notatu dignum est, quod licet copiosissime scripserit, ejusdem opera inoffenso pede percurri a fideli- bus posse post diligens institutum examen fuerit.’ ”

“ And finally, on the 18th of May, 1803, Pope Pius VII. confirmed the decree of the Sacred Congregation of Rites, which declared that all the writings of St. Alphonsus, whether printed or inedited, had been most rigorously examined, according to the discipline of the Apostolic See, and that *not one word had been found ‘ censura dignum,’ and made known that the moral system of St. Alphonso had been more than twenty times rigorously discussed with the rules of the decree of Pope Urban VIII., and the documents of Benedict XIV., that in all these examinations undertaken with a view to the canonization of St. Alphonsus, and in the definitive judgment of the Sacred Congregation, all agreed ‘ voce concordi, unanimi consensu, una voce, unanimiter.’ ”—(p. 167. Dublin Calendar for 1845.)*

Thus the moral theology of Liguori has received in the most marked manner the imprimatur of Rome. That Church, by her authorities, has proclaimed with “ one consent,” that

his works are worthy of highest praise, and that they contain
NOT ONE WORD WORTHY OF CENSURE!

CARDINAL WISEMAN IS THE BIOGRAPHER OF THE SAINT.

Hear it, Roman Catholic fellow sinners and Protestant Brethren, the principles of Liguori are the principles of Rome! With them she will stand or fall; for they bear all the weight of Papal authority.

CHAPTER II.

THE PROBABLE SYSTEM.

“ Finally, the probable system can rightly be disproved *a posteriori*; because it has introduced into Christianity horrid monsters of doctrine, making parricides, adulteries, perjuries, &c. lawful.”—*Dominus Dens*.

THE statement which appears as a *motto* at the head of this chapter is that of no less a personage than *Dominus Dens*. Notwithstanding the impurities which defile his pages, even *he*, as we shall prove, is thoroughly opposed to the teaching of *Saint Liguori* on this subject. It is almost needless to observe that *Liguori* is the *approved*, and, as such, a far higher authority than *Dens*.

The Probable opinions were first brought prominently into notice A.D. 1577. This soon occasioned a controversy, which was conducted with great bitterness of spirit, and practically shewed that the boasted unity of Rome was but a hollow pretence. Papal bulls were issued in order to appease the bellicose parties, but these cunningly devised documents pronounced nothing of a positive nature, and left the original question nearly where it had been found. *Liguori* shews that his sentiments are perfectly conformable to the Papal declaration, and yet he advocates the Probable system with but slight modifications.

Dens and *Liguori* on this question are diametrically opposed; *Dens* advocating the more strict and *Liguori* the more lax principles. As it is important to shew that even *Dens*, in his teaching, rejects the sentiments of the Probabilists as immoral, we shall give some quotations from that author.

DENS ON THE PROBABLE SYSTEM.

He treats his subjects in the form of question and answer, and states likewise the objections of his opponents.

“ *An conscientia probabilis est tuta agendi regula, sive an est licitum est, practice sequi* “ *Whether is a probable conscience a safe rule of action, or is it lawful, practically*

opinionem solum probabilem de honestate actionis, seposita necessitate?

1. R. Affirmant generatim Probabilistæ : sed hodieum longe communior et certa est sententia negativa. Ratio est, quod sola probabilitas non possit præbere moralem certitudinem de honestate actionis ; cum nitatur argumentis non afferentibus certitudinem : adeoque agens se exponit periculo morali peccandi, et proinde peccat. Hinc qui alicujus rei habet conscientiam solum probabilem, idem facere debet, ac ille, qui habet conscientiam positivè dubiam ; adeoque veldebet ab agendo abstinere, vel, si agendi adsit necessitas, eligere tutius, ut dictum est N. 184.

“Sed numquid Probabilistæ etiam non requirunt moralem certitudinem de honestate actionis?

“2. R. Affirmative, saltem recentiores ut Ferullus, La Croix, etc. dicunt enim illicium esse, in praxi sequi opinionem probabilem quatenus tam; sed operantem debere formare judicium certum de honestate suæ actionis.”

to follow an opinion only probable concerning the honesty of an action, when there is not necessity?

“1. I answer, The Probabilists generally reply in the affirmative : but in the present day the negative opinion is by far more common and certain.* The reason is, because probability alone cannot afford a moral certainty as to the honesty of the action, when it is not sustained by arguments affording certainty ; and therefore he who acts exposes himself to the moral danger of sinning, and for that cause, does commit sin. Hence, he who has a conscience of anything only probable, should so conduct himself as he who has a conscience positively doubtful ; and therefore he ought either to abstain from acting, or, if there be a necessity, to choose the safer opinion, as it is said in N. 184.

“But do not the Probabilists also require moral certainty as to the honesty of an action ?

“2. I answer in the affirmative, at least the more recent, as Ferullus, La Croix, &c. for they say that it is unlawful in practice to follow an opinion probable, as such, but that he who acts should form a certain judgment concerning the honesty of his own action ?

* This is very doubtful.—ED.

"In quo igitur differunt Probalistæ à nobis ?

"R. In eo, quòd, licet illi requirant judicium prudens ac practicè certum de honestate actionis, equidem doceant, illud formari posse ex opinione merè probabili, non quidem, ut aiunt, immediatè, sed mediante principio reflexo : v. g. hoc : 'Quodest speculativè probabile, est practice tutum :' vel hoc : 'In dubio melior est conditio possidentis suam libertatem :' aut hoc : 'Lex dubia tantum existens, est insufficienter promulgata, et invincibiliter ignorata, ideoque non obligat.' " — (Dens, p: 406. tom. 1. Dublin, 1832.

"In what, therefore, do the Probalists differ from us ?

"I answer, In this, because, although they require a prudent judgment and practically certain, concerning the honesty of an action, they teach indeed that that may be formed from an opinion merely probable ; not indeed, as they say, immediately, but by a mediate reflex principle : for example, this, 'Whatever is speculatively probable, is practically safe :' or this, 'In a doubt, the condition of him who possesses his own liberty is the better :' or this, 'A doubtful law only existing, is insufficiently promulgated, and is invincibly unknown, and therefore does not oblige.' "

Dens then proceeds to combat these reflex principles—the two latter of which Liguori strenuously maintains.

He asserts, also, that it is unlawful to follow an opinion less or equally probable, and at the same time less safe. He sustains his assertion by the following

"Probatur 4º. à ratione : imprudenter ageret, qui sine necessitate sumeret cibum aut potum probabiliter venenatum, licet etiam probabiliter non sit venenatus : ergo imprudenter quoque agit, qui ponit actionem probabiliter illicitam ; quia, si-
cut probabilitas in priori casu non tollit periculum veneni, ita nec in posteriori tollit periculum agendi contra legem.

"It is proved, in the fourth place, from reason : He would act imprudently, who, without necessity, would take food or drink probably poisoned, although probably also it might not be poisoned. Therefore he also acts imprudently who propounds what is probably unlawful, because, as probability in the former case does not take away the danger of poison, so neither in the latter does it remove the danger of acting contrary to law.

“ Deinde non censeretur curare alterius amicitiam, qui sine justa causa vellet facere actionem probabiliter illi displicentem : ergo nec censendus est curare amicitiam Dei, qui vult ponere actionem probabiliter ipsi displicentem.”—(Ibid. p. 408.)

Forasmuch as he would not be considered to value the friendship of another, who, without just cause, would be willing to perform an action probably displeasing to him : therefore neither is he thought to value the friendship of God, who is willing to do what is probably displeasing to him.”

This reasoning of Dens is most just. In a case where two courses are equally probable, we believe that it is unlawful to follow the less safe. Liguori thinks otherwise. Dens likewise assails the principles that “in doubtful matters the condition of the possessor is better,” and that “a doubtful law cannot induce a certain obligation.”

He considers the question whether it be lawful to follow an opinion *more probably less safe*, (*probabilior minus tuta*.)

He answers—

“ Interim sententia negativa Lovaniensium, obrationes præcedenti numero adductas, videatur verisimilior : licet enim opinio supponatur probabilior, manet tamen intra limites probabilitatis, sive non est moraliter certa : ergo eam sequens sinè necessitate aut justa causa, exponit se periculo morali peccandi.”—(p. 412. ibid.)

“ Meanwhile the *negative* Louvain opinion, on account of the reasons adduced in the preceding number, appears the more credible : for although a more probable opinion is supposed, it however remains within the limits of probability, or is not morally certain : therefore, he that follows it without necessity or just cause, exposes himself to the moral danger of sin.”

In No. 187, Dens closes with the following denunciation of Probabilism :—

“ Tandem probabilissimus recte improbari potest *a posteriori* ; quia horrenda doctrinæ monstra in Christianismum invexit, licita faciens parricidia, adulteria, perjuria, &c.

“ In fine, the probable system can justly be refuted *a posteriori* ; because it hath carried into Christianity horrid monsters of doctrine, making lawful parricides, adulteries,

Adeo ut ad ea percellenda opus fuerit fulmine Apostolico, quo usi sunt Alex. VII. anno 1665. et sequenti, damnando propositiones 45. et Innoc. XI. anno 1679. damnando adhuc alias 65.”—(p. 411. *ibid.*)

perjuries, &c. Insomuch that it was needful to crush them with the Apostolic thunderbolt, which Alexander VII. employed in the year 1665, and the following year, in condemning 45 propositions; and Innocent XI. in the year 1679, in condemning 65 other propositions.”

It would seem, however, that the Apostolic thunderbolt was a mere *brutum fulmen*, for Liguori, nearly a century after, strenuously advocated the probable system, and the Church of Rome has put the *sign manual* of approval on his works. The Saint shews that the probable system was not condemned by the Apostolic See, so called. How strange that in this infallible Church, such serious differences of opinion should exist as to the meaning of documents emanating from the “centre of unity”! We suppose that, by-and-bye, the disciples of the opposing schools of Dens and Liguori will go in search of some independently infallible authority to interpret their infallible bulls and decrees.

We now proceed to give more particularly the views of Liguori on this important subject.

VIEWS OF LIGUORI ON PROBABILITY.

In the treatise on conscience the Saint takes up the subject of probable consciences, and thence proceeds to the probable opinions; he says there are different kinds of probability.

“Alia enim est opinio tenuiter probabilis, alia probabilis, alia probabilius, alia probabiliissima, alia certa moraliter, alia tuta, alia tutior. Opinio tenuiter probabilis est, quæ aliquo fundamento nititur, sed non tali, ut valeat assensum viri prudentis ad se trahere.”—(p. 25. tom. 1. *Mech.* 1845.)

“For one is an opinion slightly probable, another probable, another more probable, another most probable, another morally certain, another safe, another more safe. An opinion is slightly probable which rests upon some foundation, but not upon such as would secure the assent of a prudent man.”

Having said that a slightly probable opinion cannot be acted upon, he proceeds ;—

“ Probabilis est, quæ gravi fundamento nititur, vel intrinseco rationis, vel extrinseco auctoritatis, quod valet ad se trahere assensum viri prudentis, etsi cum formidine oppositi. Probabilior est, quæ nititur fundamento graviori, sed etiam cum prudenti formidine oppositi, ita ut contraria etiam probabilis censeatur. Probabilissima est, quæ nititur fundamento gravissimo, quapropter opposita censemur vel tenuiter, vel dubie probabilis ; hac autem opinione semper licite utimur, ut constat ex proposit. damnata ab Alexander VIII. quæ dicebat: *Non licet sequi opinionem vel inter probabiles probabilissimam.* Opinio sive sententia moraliter certa est, quæ omnem prudentem formidinem falsitatis excludit, ita ut opposita reputetur omnino improbabilis. Opinio demum tuta est, quæ recedit ab omni peccandi periculo. Tuitior vero, quæ magis a tali periculo recedit, tametsi rationibus firmioribus non nitaritur.”—(ibid.)

“ It is a probable opinion which rests upon a solid foundation, or some intrinsic reason or extrinsic authority which prevails to obtain the assent of a prudent man, although he may still be in doubt. A more probable opinion is that which is based upon a more solid foundation, but even with a prudent fear of the opposite, so that the contrary also may appear probable. The most probable opinion is this, which is based upon the most solid foundation, on account of which the opposite is thought to be either slenderly or doubtfully probable : but this opinion we may always lawfully use according to the proposition condemned by Alexander VIII. which said, ‘ It is not lawful to follow the most probable opinion even among probables.’ An opinion or judgment morally certain is that which excludes all prudent fear of error, so that the opposite is thought altogether improbable. But the opinion is safe which recedes from all danger of sinning. But it is more safe which recedes more from such peril, although it is not supported by more firm reasons.”

He makes the distinction between the probability of *fact* which regards the substance or verity of a matter, and the probability of *right* which regards the honesty of an action.—

He gives the following example:—The questions whether a sacrament administered with a certain matter be valid, or a contract entered into with a certain form be usury are probabilities of *fact*, but whether it be lawful to administer a sacrament with a certain matter, or to enter into a compact with a certain form are probabilities of *right*. He says that it is not lawful to use the probable opinion in the probability of *fact* when it may injure another party; for example, it is not lawful to substitute spittle for water in the baptism of a child, though it may be probable that such a baptism would be valid, nor is it lawful for a physician to adopt less probable opinions in the treatment of his patient. However, in the probability of right the Saint teaches otherwise. He gives a treatise “On the choice of opinions.”—He says that if an opinion which is in favour of the observance of a law be more probable than the opinion for its *non-observance*, then we should follow the more probable opinion, and observe the law; but if this *opinion* be of equal weight, *we are not bound to follow that which favours the law, or in other words, which is the more safe opinion.* He quotes various authors in proof of his views, and sums up as follows :

“ Posito igitur principio a D. Thoma tradito, ac satis superque probato, nempe, quod Nullus ligatur per praeceptum aliquod, nisi mediante scientia illius praecepti, quod idem est ac dicere, non posse legem incertam certam obligationem inducere, necessario eruitur esse moraliter certum, quod, ubi duæ opinioneæ æqualis ponderis concurrunt, non est obligatio sequendi tutiorem. Si quis autem de hujus sententiæ certitudine rationem exposcat, breviter ei ex omnibus in hoc monito probatis respondebitur; quia lex dubia non obligat. Et, si querere perget, cur lex dubia non obliget; respondebimus hoc suc-

“ The principle delivered by St. Thomas being established and proved sufficiently as above, to wit, ‘that no one is bound by any precept unless by the intervening knowledge of the precept,’ which is the same as to say that an uncertain law can not induce a certain obligation; it is necessarily discovered to be morally certain that where there are two opinions of equal weight *there is no obligation of following the more safe opinion.* But if any one demand a reason for the certitude of this opinion, he will receive a brief answer from all the proofs in this lesson, because a doubtful law does not oblige.

cincto argumento; Lex non sufficienter promulgata non obligat: lex dubia non est sufficienter promulgata (quia, dum lex est dubia, promulgatur sufficienter dubium, sive quæstio, sed non promulgatur lex): ergo lex dubia non obligat.”—(p. 43. ibid.)

And if he proceed to inquire why a doubtful law does not oblige, we will answer him in this brief syllogism; a law not sufficiently promulgated does not oblige: a doubtful law is not sufficiently promulgated (because whilst it is doubtful, the doubt or question is sufficiently promulgated, but not the law); ergo, a doubtful law does not oblige.”

Again he says:—

Dixi sub initio, quod, ubi opinio pro lege videtur certe probabilior, eam sequi tene-
mur; secus vero si est ejusdem ponderis, quod habet opinio pro libertate. Auctor vero Ephemeridum mihi objecit, quod hæc secunda propositio probet nimis; nam si non teneremur sequi opinionem pro lege, quando opinio pro libertate est æque probabilis, quia tunc lex est dubia; nec etiam teneremur sequi opinionem pro lege, quando opinio pro libertate esset minus probabilis; quia etiam opinio minus probabilis efficit, quod lex sit dubia, et non sufficienter promulgata. Sed respondeo, quod cum opinio tutior est certe probabilior, eo casu (ut in principio hujus moniti præmisii) quamvis lex omnino certa non sit, tamen propter illam majorem probabilitatem opinio pro lege videtur mora-

“ I have said, in the beginning, that, when an opinion for law appears certainly more probable, we are bound to follow it; but otherwise if it be equally probable as the opinion for liberty. But the author of the Ephemerides objects to me, that this second proposition proves too much; for if we are not bound to follow an opinion for law, when the opinion for liberty is equally probable, because then, law is doubtful; neither also are we bound to follow an opinion for law, when the opinion for liberty is less probable: because even the opinion, less probable effects, that law is doubtful, and not sufficiently promulgated. But I answer, that when a more safe opinion is certainly more probable, in that case (as in the beginning of this treatise I premised) although the law

liter verior, et consequenter etiam lex appareat moraliter sive sufficienter promulgata; et ideo lex nequit dici tunc omnino dubia dubio stricto; remanet tantum eo casu aliquod dubium latum, quod non permittit ab opinione tutiore discedere.”—(ibid.)

is not altogether certain, yet on account of that greater probability the opinion for law appears morally more true, and consequently also the law is morally or sufficiently promulgated, and therefore the law cannot be said to be altogether doubtful in the strict meaning of doubt; some undefined doubt alone in that case remains, which does not permit us to depart from the safer opinion.”

The saint proceeds to establish his proposition, the opposite of which is taught by Dens, as we have seen—that

A DOUBTFUL LAW DOES NOT BIND.

“ Ut ergo nostram firmemus conclusionem, nimirum quod lex dubia non obligat, sic certo tramite arguimus: Principium a D. Thoma superius jam probatum est, quod lex non habet virtutem obligandi, nisi sufficienter promulgata sit, et innotescat. Casu autem quo duæ opiniones concurrant æqualis ponderis, tunc quidem lex nequit dici sufficienter promulgata, tunc enim sufficienter promulgatum est dubium, an lex existat, sed non est promulgata lex; ac propterea ipsa non potest obligare.”—(p. 54. ibid.)

“ That, therefore we may establish our conclusion, to wit, that a doubtful law does not bind, we argue thus,—The above principle taught by St. Thomas, is now proved, that a law has not the power of binding, unless it is sufficiently promulgated and known. But in a case in which two opinions of equal weight occur, then indeed the law cannot be said to be sufficiently promulgated, for then the doubt is sufficiently promulgated, whether the law exists, but the law is not promulgated; and on that account it can not oblige.”

Another principle which he advocates is, *that an uncertain law does not induce a certain obligation.* Having adduced many arguments in support of his views, he says:

“ Quapropter, his positis

“ Wherefore, these things

frustra objicitur a nostris adversariis, quod, cum opiniones sunt æque probabiles, opinio tutior, si non inducit obligationem certam, inducit saltem obligationem probabilem ; et ideo desit dictamen moraliter certum de actionis honestate, sine quo non licet operari. Sed huic pluries supra data est responsio, nempe, quod, cum duplex concurrit opinio æque probabilis, opinio quæ stat pro lege, aliam non inducit obligationem nisi depoñendi dubium; sed hujusmodi dubia, juxta omnium probabilistarum et probabiliorsatarum, ipsiusque P. Patutii sententiam, ut vidimus, bene potest deponi, non tantum ex directo sed etiam ex reflexo principio certo, quo certitudo de honestate actionis jam habetur.”—(p. 79. *ibid.*)

being established, it is objected in vain by our adversaries, that, when opinions are equally probable, the safer opinion, if it does not induce a certain obligation, induces at least a probable obligation ; and therefore a dictate morally certain, concerning the honesty of the action is wanting, without which it is not lawful to act. But to this, oftentimes above the answer is given, to wit that, when there is a two-fold equally probable opinion, the opinion which stands for law, does not induce a certain obligation unless of laying aside the doubt ; but such doubts, according to all probalists and anti-probalists, and the opinion of P. Patutius himself, as we have seen, can well be laid aside, not only from a direct, but also from a reflex certain principle with which a certitude concerning the honesty of the action is had.”

It seems that a Gallican Synod condemned the probable system. This is brought as an objection to Liguori, who replies as follows :

“ Objiciunt 5. decisionem cuiusdam consessus episcoporum Gallorum, ubi fuit decretum, in opinionibus æque probabilibus tutiorem partem esse tenendam. Horum tantorum præsulum auctoritatem magnopere veneror, sed omnes docent, auctoritatem extrin-

“ They object, in the fifth place, the decision of a certain assembly of Gallican bishops, where it was decreed, that in opinions equally probable the safer side should be held. I greatly venerate the authority of these so worthy prelates, but all teach that the extrinsic

secam sapientum magni non posse esse ponderis, ubi intrinseca ratio certa videtur, et convincens; tanto magis, cum ipsa sufficienti aliorum auctoritate non destituatur. Ego autem animadverto, quod pro nostra sententia non minor quam pro opposita extat auctoritas extrinseca, imo valde major. Nec negari potest, nostram sententiam saltem per octoginta, aut etiam nonaginta annos circiter communem fuisse apud moralis scientiae auctores, quos inter plurimi fuerunt cardinales, episcopi, universitatum doctores, et signanter plures magistri dominicanæ religionis, in qua semper magna doctrinæ floruit."—
(p. 85. *ibid.*)

authority of the wise can not be of such great weight, where intrinsic reason appears certain, and convincing; so much more when the opinion itself is not destitute of sufficient external authority. But I observe, that for our opinion the external authority is not less, than for the opposite, yea, it is much greater. Neither can it be denied, that our opinion, at least for eighty years, or even for ninety years, was the common opinion amongst authors on moral science, amongst whom, many were Cardinals, Bishops, Doctors of Universities, and especially many Masters of the Dominican religion, amongst whom a great amount of learning flourished."

Having answered various objections which were urged against his system, he makes the following statement:—

"Ego, ut sincere veritatem fatear, cum theologiae moralis scientiae vacare cœpi, quia rigidioris sententiae magistrum mihi audire contigit, pro hac strenuae cum aliis tunc temporis contendebam; sed postea melius rationes hujus controversiae discutiens, opposita sententia, quæ pro opinione æque probabili stat, moraliter certa mihi visa fuit: et quidem inductus ab illo pluries hic repetito principio, quod lex dubia non potest obligare. Hinc persuasus remansi, nefas

"Therefore, that I may sincerely confess the truth, when I began to attend to the science of moral theology, because I happened to hear a teacher of the rigid opinion for this, with others, I strenuously contended at that time, but afterwards, having better discussed the reasons of this controversy, the opposite opinion, which stands for an opinion equally probable, appeared to me morally certain; and indeed led by that principle which is here so

esse conscientias, cum opiniones sunt æque probabiles ad tutiorem sequendam adstrin gere cum periculo in plurimas formales culpas incurrendi. Præterea tamen, cum nostra hac tempestate viderim ita acriter adversus mitiorem sententiam reclamari, multoties hoc punctum ad trutinam diligenter revocavi, legens, ac relegens auctores omnes quotquot ad manus habere potui modernos, qui pro rigida sententia certabant promptus a mea sententia desciscere, statim ac non amplius certa mihi appareret; prout enim plures opiniones, quas aliquando tanquam probabiles habui, postea non erubui reprobare; ita, imo tanto magis non erubuisse hanc sententiam, quæ majoris est momenti, retractare."—(p. 92. *ibid.*)

often repeated, that a doubtful law cannot oblige. Hence I have remained persuaded that it is wicked to bind consciences when opinions are equally probable, to follow the safer course with the peril of falling into many formal offences. Besides, however, although in this our time I may have appeared to declaim so bitterly against the milder opinion, oftentimes I have diligently recalled this point to the balance, reading and re-reading as many modern authors as I could obtain, who contended for the rigid opinion, ready to depart from mine as soon as it should appear not more certain to me. For, even as many opinions which I at one time held as probable, I have not blushed afterwards to reprobate, so also, yea, much more, I had not blushed to retract this opinion, which is of greater moment."

This subject, as to the selection of opinions, bears directly on the morals of the people and the practical working of the confessional.

"It is asked whether a penitent can be absolved who wishes to follow an opinion contrary to that which is held by the confessor."

The first opinion is that he cannot, but Liguori states the inconvenience which would arise.

"*Adde, quod, si confessarius non posset absolvere eos, qui volunt sequi opinionem minus probabilem, contra suam,*

"*Add that, if a confessor cannot absolve those who wish to follow an opinion less probable, contrary to his own*

quam ipse putat probabiliorum, multa videntur inconvenientia sequi. Ponamus enim casum, quod aliquis simoniace pecuniam acceperit, iste secundum aliquos tenetur restituere pretium acceptum ei qui dedit; secundum alios, Ecclesiæ, vel pauperibus: si forte hic ad duos confessarios accederet, quorum unus obligaret ad restituendum danti, putans primam opinionem probabiliorem, alter ad restituendum Ecclesiæ, quia contrariam tenet sententiam; quæro in hoc easu, cui pœnitens parere deberet, cum teneretur utriusque sui confessarii judicio se conformare. Et, si forte paruerit primo, et postea confitetur secundo, num bis restitutionem facere debet?"—(p. 81. tom. 7. ibid.)

which he thinks more probable, many inconveniences appear to follow, for let us take an example, that some one hath *simoniacally* received money, he, according to some, is bound to restore the price received to him who gave it; according to others, he is bound to give it to the *Church* or the poor; if perchance he should go to two confessors, one of whom would oblige him to restore it to him who gave it, thinking the first opinion more probable; the other would oblige him to restore it to the *Church*, because he holds the opposite opinion; I ask, in that case, to whom the penitent should render obedience, when he should be bound to conform himself to the judgment of each confessor, and if perchance he may have rendered obedience to the first, and afterwards confess to the second, whether will he be bound to make restitution twice?"

Again, he says:—

"Hinc alterum excogitemus casum: Duo confessarii habent duas opiniones contrarias, quarum utrique sua opinio appetat probabiliorem: si unus velit alteri confiteri, deberet hic (juxta sententiam Fagnani, et sociorum) suam deponere opinionem, captivando intel-

"Hence, let us take another case; two confessors hold two opposite opinions, to both of whom his own opinion appears more probable;—if one confess to the other, he should, (according to the opinion of Fagnani and those who agree with him,) lay aside his own

lectum, ut confessario suo iudici constituto pareat. Contra vero, si alter postea huic confiteatur, deberet hic secundus confessarius suam resumere opinionem, quæ sibi probabilior appareret; tunc enim deberet judicare secundum suum proprium judicium, et deberet illum obligare, ut deponat opinionem quam sibi prius sequendam imposuit; et encomœdia risu digna, quæ quotidie inter confessarios eveniret." —(ibid.)

opinion, by surrendering his intellect that he may render obedience to the constituted judge, — his own confessor. But, on the other hand, if the other afterwards confess to him, he, the second confessor, should resume his own opinion, which appears to himself more probable, for then he ought to judge according to his own proper judgment, and ought to bind him, that he may lay aside an opinion which before he had imposed upon himself to follow; and lo, comedies worthy of laughter which daily would happen among confessors."

Thus Liguori shews that the penitent must be allowed to follow a probable opinion, even though the opposite may appear more probable to the confessor. He explains himself more fully thus :—

" Quoad vero alias opiniones, quæ versantur circa obligationem pœnitentis, nempe circa ea quæ a pœnitente agenda aut vitanda sunt, confessarius non est iudex, nec potest obligare ad sequendum opinionem suam pœnitentem, qui vult sequi contrariam, quam ipse putat non sine fundamento licite posse teneri, ut optime tradidit Adrian. quæst. 5. dub. 7. dicens: Si a pluribus DD. contrarium teneatur, non debet sacerdos adeo de se præsumere, ut totum velit in suam opinionem (quæ forsitan

" But as to those opinions which relate to the obligation of the penitent, to wit, as to those things which are to be done, or avoided, by the penitent, the confessor is not judge, neither can he oblige the penitent to follow his own opinion, who wishes to follow the contrary, which he thinks can lawfully be held with some reason, as Adrian very opportunely has delivered, quæst. 5. dub. 7. saying, ' If the contrary be held by many doctors, a priest ought not to presume of himself that

erronea est) coarctare. Hinc, quando ex una parte pœnitens sibi efformat judicium de honestate alicujus actionis, et alias confessarius non habet certitudinem evidentem de illius falsitate, tenetur illum absolvere, utpote sufficienter dispositum. Et tunc potest, imo tenetur permittere quod pœnitens suam sequatur opinionem, si nequit abducere ab ea sequendo, quia, (ut diximus) confessarius non est controversiarum judex."—(ibid.)

he may wish to press the whole into his own opinion, (which perhaps is erroneous.) Hence, when on the one hand a penitent forms a judgment concerning the honesty of some action, and the confessor, otherwise, has not an evident certitude concerning the falsity of the opinion, he is bound to absolve him, inasmuch as he is sufficiently disposed. And then he can, yea he is bound, to permit the penitent to follow his own opinion, if he be unable to withdraw the penitent from following it; because as (we said) the confessor is not a judge of controversies."

There is a great variety of opinion among divines of the Church of Rome as to sin and its nature, they are divided in their sentiments upon moral subjects. If a penitent adopt an opinion which is possible according to some divines, and not proscribed by authority, though the confessor think it less possible, he cannot refuse absolution to him: of this Liguori gives an example:

A penitent has been guilty of receiving money simoniacally. Some divines think that it should be restored to the man who gave it; others think that it should be given to the Church. The penitent can act upon the opinion which he thinks probable, and he cannot be compelled to abandon it.

If however the confessor think that the opinion of the penitent is altogether false, he may refuse absolution.

Let me revert to the probable opinion. Liguori teaches, that in the case of the equally probable opinion, the sinner is not bound to the observance of the law. This tends directly to laxity of conduct, for the safer way is to observe the law.

It will be seen, throughout this work, that almost on every question the differences amongst doctors as to their comparative probability are innumerable, and that the subject of probalism bears upon the morality of the people.

CHAPTER III.

THE INFALLIBILITY OF THE POPE.

LIGUORI at large discusses this important question, and gives the various opinions which are held in reference to it.

“Circa hanc Pontificis infallibilitatem plures adsunt opiniones.

“*Prima est Lutheri et Calvinii*, qui hæretice docent, Papam loquentem etiam ut doctorem universalem, etiamque unà cum concilio, esse fallibilem.

“*Secunda sententia omnino opposita est Alberti Pighii* sentientis Papam non posse errare etiam privatè loquendo.

“*Tertia est nonnullorum dicentium Papam esse fallibilem extra concilium docentem.*

* * * *

“*Quarta vero communis sententia*, cui nos subscribimus, est, quod, licet Romanus Pontifex quatenus particularis persona, sive privatus doctor possit errare (sicut etiam est fallibilis in quæstionibus meri facti, quæ ex hominum testimoniis præcipue pendent); cum tamen Papa loquitur tamquam doctor universalis definiens *ex cathedra*, nempe ex

“As to the infallibility of the Pope, there are many opinions.

“The first is that of Luther and Calvin, who heretically teach that the Pope, speaking even as universal doctor, and even together with a General Council, is fallible.

“*The second opinion*, altogether opposite, is that of *Albertus Pighius*, who thinks that the Pope can not err, even when speaking privately.

“*The third opinion* is that of some, who say that the Pope is fallible when teaching *without a Council*. * * * *

“But *the fourth common opinion*, to which we subscribe, is, that although the Roman Pontiff, as an individual or private doctor, can err (as also, he is fallible in questions of mere fact, which depend chiefly upon the testimonies of men); when, however, the Pope speaks as universal doctor, defining *ex cathedra*, to wit, of the supreme power,

potestate suprema, tradita Petro docendi Ecclesiam, tunc dicimus, ipsum in controversiis fidei et morum decernendis omnino infallibilem esse.”—
(p. 134. tom. 1. *ibid.*)

For the fourth opinion—his own—he quotes many authorities—St. Thomas, Cajetan, St. Bonaventure, Nicholas de Lyra, St. Francis de Sales, Ludovicus; and he adds, that the divines who accord with him are innumerable (*aliique innumeri*). He labours to establish his opinion by Scripture, Councils, Fathers, and from reason. In referring to Scripture, he quotes Matt. xvi. 18, “Thou art Peter,” and says,—

“ Si itaque hujusmodi aedificium est Ecclesia, adversus quam inferi prævalere non possunt; ut illa non posset ruere, necesse est, basem ejus et fundamentum neque destrui posse, ne, destructo fundamento, tota domus corruat.”
—(p. 137. *ibid.*)

delivered to Peter, of teaching the Church, then we say, *that he, in determining controversies of faith and manners is altogether infallible.*”

“ If, therefore, the Church is such an edifice, against which the gates of hell cannot prevail; that it cannot fall, it is necessary that its base and foundation should be indestructible, lest the foundation being destroyed, the whole house tumble down.”

Thus there are various opinions in the Church of Rome as to the infallibility of the Pope. Some positively deny that he is infallible; while others as positively assert that he is. Liguori argues, that if he be not infallible, as the foundation, the Church built thereon is not infallible.

This is a question, therefore, of vital importance in Romish estimation, relating, as it does, to the infallibility of the Church.

It would seem that, notwithstanding the professed liberality of Romanists in the present day, the *ultra montane* opinions are becoming fashionable, even amongst the Romanists of America. Dr. Kenrick, Roman Catholic Bishop of Philadelphia, writes, in reference to the Pope’s infallibility, as follows:—

“ In virtue of his office, the Pontiff teaches with authority, and directs his teaching to all the children of the Church, wherever they may be found, pastors and people; he pronounces judgment on all, whose faith is suspected, to whatever

rank they belong ; he condemns heresy, wherever it may have originated, or by whomsoever it may be supported ; he calls on his colleagues, the bishops, to concur in the condemnation ; he assembles them in Council, to investigate and judge with him the controversies that are raised, or to concur by their harmonious judgment and action in rooting out condemned errors ; he confirms and promulgates their definitions of faith, and he incessantly guards the sacred deposit of divine doctrine.

"The personal fallibility of the Pope in his private capacity, writing or speaking, is freely conceded by the most ardent advocates of Papal prerogatives ; but his official infallibility, ex cathedra, is strongly affirmed by St. Alphonsus de Liguori, and a host of divines, in accordance, as I believe, with ancient tradition, and the general sentiment of the Church. The assembly of the French clergy, in 1682, contended that his judgment may admit of amendment, as long as it is not sustained by the assent and adhesion of the great body of bishops. Practically there is no room for difficulty, since all solemn judgments hitherto pronounced by the Pontiff have received the assent of his colleagues ; and, in the contingency of a new definition, it should be presumed by the faithful at large that it is correct, as long as the body of bishops do not remonstrate and oppose it. The Pontiff never has been isolated from his brethren. The harmony of faith has been always exhibited in the teaching of the episcopal body, united with their head. The authority of the Pope in matters of faith appeared most conspicuously in the fourth and fifth centuries. The decrees of Damasus and Innocent, and the doctrinal letters of Celestine and Leo, were hailed by bishops, severally, and in solemn Councils, as the correct expositions of the mysteries of the Trinity and Incarnation. For the maintenance of this faith the Pontiffs sent legates to the Eastern emperors and Councils, urging it above all other things. Their indefatigable industry, their untiring solicitude, their disregard of every selfish consideration when the integrity of faith was in question, are marked on every page of history. *Faith evidently is the vital principle of papal authority, which cannot cease to defend it."*

—The Primacy of the Apostolic See Vindicated, by Francis Patrick Kenrick, Bishop of Philadelphia. New York. Duncan and Brothers.

The statement, that "the Pontiff has never been isolated

from his brethren," is false. History testifies that Popes and Councils have been violently opposed. A passage even from Liguori refutes the assertion of Dr. Kenrick. In considering the opinion, that the consent of the Church is necessary in order to render the decision of the Pope irreformable, he says,—

"*Et quid si minor accedit pars, ut seculo iv. accidit, cum sententiae S. Melchiadis Papæ tantum 48. Episcopi orthodoxi adhæserunt, sed contra alii 400. eam rejecerunt.*"—
(p. 143. *ibid.*)

"And what if the *minor* part assents, as it happened in the *fourth century*, when only 48 orthodox bishops gave their assent to the opinion of Saint Melchiades, Pope, *but on the other hand* 400 others rejected it."

Besides, it is rather injudicious, in free Protestant countries, to maintain *that the persecuting bulls of Popes are infallible!*

Thus, within the pale of the Papal communion, notwithstanding its boasted unity, differences of opinion exist on fundamental points.

If the opposing statements on this subject, of Romish saints and doctors, be made the premises of a syllogism, it leads to the Protestant conclusion,—

If the Pope, the foundation, be not infallible, the Church built thereon is not infallible.

But the Pope, the foundation, is not infallible.

Ergo, The Church is not infallible.

The major is the proposition of Liguori and those who accord with him. The minor is that of the Gallican school; and the conclusion is Protestant.

CHAPTER IV.

PROHIBITION OF BOOKS.

THE appendix contains a dissertation on the just prohibition of books, amongst which we find THE BOOK OF GOD—THE BIBLE!

“ Nuper in duas offendi epistolas calamo exaratas, in quibus saluberrima ac pernecessaria Ecclesiæ disciplina circa librorum prohibitionem perperam impetratur, et temere asseritur, licitum esse, Ecclesiæ lege non obstante, modo evidens non appareat periculum subversionis, libros quoscumque perlegere. Epistolæ auctores his duabis falsis fulciuntur rationibus: prima, quia lex prohibitionis librorum non procul ab hisce temporibus inventa est in Ecclesiam, sed prisca disciplina non comprobatur. Secunda, quia Ecclesia in hac re nec canonice procedit, nec recto juris ordine servato, et ideo hujusmodi lex obligare nequit. Miratus sum quidem, novas hasce opiniones tam perficta fronte ab aucto-ribus epistolarum obtrudi, cum satis compertum sit, disciplinam, qua pravorum librorum lectionem Ecclesia prohibet, a primis usque seculis semper

“ Lately I have met with two epistles, written with a pen in which the most wholesome and necessary discipline of the Church, as to the prohibition of Books, is unadvisedly attacked, and *in which* it is rashly asserted, that it is lawful to read any Books whatsoever, provided that the danger of subversion may not appear evident, the law of the Church not opposing it. The authors of the Epistles maintain *their opinions* with these two false reasons; first, because the law which relates to the prohibition of books was lately introduced into the Church, but by the ancient discipline it is not approved; second, because the Church in this matter, hath neither proceeded canonically, nor with a due regard to the order of justice, and therefore that such a law cannot bind. I wondered indeed that these new opinions were obtruded with such a

et constantissime viguisse: tum etiam Ecclesiam catholicam in hujusmodi librorum proscriptione accurato semper examine, rectoque ordine processisse, et nunc quoque procedere. Hinc aggressus sum rem hunc funditus ad trutinam revocare; præsertim, cum experimento constet, ex præfatis pravis opinionibus auctoritem Ecclesiæ non minimum labefactari, et fidelium mentes ab obsequio Ecclesiæ definitionibus debito valde retrahi; ex quo deinde in alios errores contra fidem et mores misere et de facili incidunt, cum immensa animarum strage. Ac proinde operæ pretium duxi in publicam lucem hanc dissertationem edere, in qua primum ostendam necessitatem prohibendi libros omnes, qui errores in legentes ingerere possunt; deinde hanc Ecclesiæ legem vetandi libros ab ejus incunabulis usque nunc continuato semper usu firmatam fuisse; tertio demonstrabimus, quam prudenter et ordinate in hujusmodi prohibitione semper Ecclesia processerit, et procedat. Tandem quorumdam confutabimus inanes objectiones häreticorum, a quibus postmodum catholici aliqui minus caute effata quædam sunt mutuati, quæ deinde impudenter in vulgus maxima cum fidelium pernicie prodderunt.”—(p. 200. t. 10. cap. 1. de pro. lib.)

shameless face, by the authors of the Epistles, since it has been sufficiently proved, that the discipline by which the Church prohibits the reading of bad books, flourished always and constantly, even from the very first ages: then, also that the Catholic Church hath always proceeded and doth proceed, in the proscription of such books with due order and careful examination. Hence I have undertaken to submit this matter from the very foundation to an accurate examination, especially since by experience it is agreed, that the authority of the Church hath been weakened in no small degree, in consequence of the aforesaid wicked opinions, and that the minds of the faithful have been very much withdrawn from due obedience to the definitions of the Church; from which it happens that they miserably and easily fall into other errors, contrary to faith and manners, with a great destruction of souls. And therefore I have esteemed it worth while to bring forth this dissertation into the light of day, in which, first, I will shew the necessity of prohibiting all books, which are calculated to lead into error; secondly, that this law of the Church of forbidding books, was established by a continual use from its very infancy. In the third

place, we will demonstrate how prudently and orderly the Church hath always proceeded and does proceed in the prohibition of such books. Lastly, we will refute foolish objections of some Heretics, from whom some Catholics, with little caution, have afterwards borrowed certain things, which they have at length impudently handed down to the common people, with a very great destruction of the faithful."

Liguori now attempts to prove his several propositions, and the following extract will shew the various methods which were and are adopted for the prohibition of books, amongst which, as will be seen bye and bye, is THE BIBLE!

He answers objections against the prohibition of books, and speaking of the care by which the censors of books are chosen, he says,—

“ Ad id firmandum, oportet hic rectum exponere ordinem, quo Ecclesia in prohibitione librorum cautissime se gerit. Primis Ecclesiæ seculis tantum a Pontificibus, vel conciliis, vel episcopis scripta perniciosa proscribendi mos erat; sed ubi hæretici excreverunt, eorumque libri latius diffundebantur, necesse judicatum fuit novis malis novis remediis occurtere. Ideo Ecclesia congregations prius inquisitorum, et deinde indicis instituit, quibus librorum examen, et facultatem eos prohibendi commisit. Primus omnium, Innocens III. an. 1204, contra Albigenses hæreticos, Tolosanam provin-

“ To the establishing of this point, it behoveth us here to detail the right order by which the Church cautiously acts in this prohibition of books. In the first ages of the Church, it was customary to prohibit pernicious books only by Pontiffs, Councils, or Bishops; but when Heretics increased, and their books were diffused every where, it was judged necessary to meet new evils with new remedies. Therefore, the Church first instituted the congregation of THE INQUISITORS, and then of the index, to whom she has committed the examination of books, and the faculty of prohibiting them.

ciam infestantes, misit inquisitores, cum potestate in eos procedendi, eorumque libros prohibendi, ac concremandi. Idem confirmarunt postea alii Pontifices pro aliis provinciis. Et idem obtinuit ab Alexandre IV. S. Ludovicus pro Gallia, et a Pio IV. Carolus V. pro Hispania, aliisque suis ditionibus. Philippus II. idem tribunal inquisitionis voluit et in nostro regno Neapolitano constitui; sed Neapolitani, qui semper erga Romanam ecclesiam summa fuerunt fidelitate affecti, et in fide catholica stabiles, ab eo, tanquam non necessario ac fidelitati suae quodammodo injurioso, instantibus precibus, magnoque conatu exemptionem impetrarunt.

XVI. "Paulus autem III. anno 1542. in bulla 34. quæ incipit, *Licet ab initio*, instituit Romæ congregationem generalis inquisitionis, cui pravos libros prohibendi curam imposuit; licet enim damnatio librorum nunc sit congregationis indicis, quæ postea erecta fuit, attamen etiam nunc prævalet illi congregatio inquisitionis, adeo ut plures libri quorum lectio a congregazione indicis permittebatur, vel damnabatur, postmodum a congregazione inquisitionis damnavi sint, vel permissi."

First of all, Innocent III., in the year 1204, sent the INQUISITORS against the Albigensian Heretics, who infested the province of Tolosa, with power *of proceeding against them*, of prohibiting and *burning their books*. Other Pontiffs afterwards confirmed the same for other provinces. And the same Ludovicus obtained from Alexander IV. for Gaul, and Charles V. from Pius IV. for Spain, and for his other territories. Philip II. wished the same tribunal of the Inquisition to be established in our own kingdom of Naples, but the Neapolitans, who were always affected with the highest fidelity to the Roman Church, and firm in the Catholic (Romish) faith, obtained from him, by urgent prayers and great exertion, exemption from it, as being unnecessary, and in some measure injurious to their fidelity.

XVI. "But Paul III., in the year 1542, in bulla 34, which begins '*Licet ab initio*,' hath instituted at Rome the congregation of a *general inquisition*, to whom he hath given the care of prohibiting bad books; for although the condemnation of books belongs now to the congregation of the index, which was established afterwards, however, even now the congregation *of the Inquisition* prevails over it, so that many

books, the reading of which was permitted or condemned by the congregation of the index, afterwards were condemned or permitted by the congregation of the Inquisition."

The following was the mode adopted by the censors of books:—

"Benedictus autem XIV. in bulla Sollicita ac provida, edita anno 1753. die 9. juli (vide in Bullar. tom. 4. n. 19.) statuit canones, vel potius antiquos (jam olim statutos, saltem æquivalenter) renovavit, circa optimum regimen in libris examinandis, et prohibendis. Primum enim in congregacione (juxta præscripta) liber tradendus est uni ex consultoribus, sive qualificatoribus, qui illum expendere debet, censuramque signare, errores adnotando. Deinde idem liber alteri traditur revisori, suppresso primi censoris nomine, ut alter liberius judicium suum exponat. Si censor secundus primo assentitur, tunc liber ad singulos consultores mittitur, ut suum quisque suffragium præbeat: si autem, adhibetur tertius revisor. Postea liber cum censura, et consultorum suffragiis ad cardinales transmittitur, ut hi in congregacione de re definitive pronuntient. Demum acta omnia ad Pontificem referuntur, cuius judicio resabsolvitur.

"But Benedict XIV., in bull 'sollicita ac provida,' published in the year 1753, on the 9th day of July (vide in Bullar, tom. 4, N. 19), enacted canons, or revived ancient ones (long ago enacted, or the same thing), about the best plan in examining and prohibiting books. For first in the congregation, according to the rule, the book is to be delivered to one of the counsellors or qualifiers, who ought to examine it, and signify the censure by marking the errors. Then the same book is delivered to another reviser, the name of the first censor being suppressed, that the other may give his judgment more freely. If the second censor assents to the first, then the book is sent to the examiners individually, that each one may give his vote, but if not, a third reviser is applied to. Afterwards the book, together with the censure and the votes of the examiners, is sent to the cardinals, that they in congregation may pronounce definitively in the matter. Finally,

Quandoque etiam Pontifex ob rei gravitatem judicium coram scipso habendum mandat.

XVII. Quod autem ad congregationem indicis pertinet, sciendum, quod, cum novatores transacto seculo XVI. occidentem impiis libris repleverint, et eorum damnationes ad fidelium notitiam, maxime propter bella, difficile possent pervenire, opus fuerit ut vetitorum librorum index efformaretur. Hinc Paulus IV. anno 1557, inquisitoribus mandavit, ut hunc indicem conficerent, qui tunc confectus fuit, et anno 1559. jussu ejusdem Pauli evulgatus. At, quia in indice illo melior methodus, aliaeque declaraciones, ac plurium aliorum librorum et auctorum nomina desiderabantur, hinc Pius IV. patribus synodi Tridentinæ, quæ tunc celebrabatur, commisit novum indicem efformandum. Concilium 18. patres ad hoc selegit, qui opus perfecerunt, detuleruntque; at, quia patres nimium fatigati de reditu erant solliciti, et jam aliqui discesserant, rem ad judicium Pontificis una cum regulis jam elaboratis absolvendam remiserunt.

XVIII. Proinde Pius IV. adhibitis pluribus doctissimis prælatis, indicem perfecit, ac mandavit, ut ab omnibus fidelibus cum suis regulis ubique observaretur; decrevitque, ut, si quis deinde librum aliquem

all the proceedings are referred to the Pope, by whose judgment the matter is determined. Sometimes also the Pontiff, on account of the importance of the business, requires the judgment to be pronounced before himself.

XVII. But, as far as relates to the congregation of the Index, it is to be known, that when the Innovators, at the close of the 16th century, filled the west with their impious books, and the condemnations of these works were with difficulty able to come to the knowledge of the faithful, especially on account of the wars, it was needful that an index of forbidden books should be formed. Hence, Paul IV., in the year 1557, committed to *the Inquisitors*, that they should form this index, which then was finished and published in the year 1559, by order of the same Paul. But because in that index a better method, and other declarations, and the names of many other authors and books were wanting, hence Pius IV. committed the forming of a new Index to the Fathers of the Council of Trent, which was then being held. For this purpose the Council chose 18 Fathers, who completed and presented the work, and, because the Fathers, overcome with fatigue, were solicitous about returning, and even now

propter falsi dogmatis suspicionem damnatum legeret, vel haberet, ipso jure in excommunicationem incideret, et in eum tanquam de hæresi suspectum procedendum esset; qui autem libros alia de causa vetitos legeret, præter peccati mortalis reatum, episcoporum arbitrio severe se nosceret puniendum; ita in bulla præfati Pii IV. Dominici gregis, data 24. martii 1564. Deinde Philippus II. rex Hispaniarum, Neapolis etc. die 15. Febr. 1569. edictum emanavit; edictum Phil. II. extat apud Van Espen. part.i.tit.22.de Congr. cardin. c. 4. n. 34. et apud Haræum in annal. Belg. ad annum 1560. quo præcepit, ut index Romanus præfatus, prout a Pontifice fuerit publicatus, ab omnibus suis regnis recipetur, et observaretur; ipseque ad omnia concilia regia transmittenetur, ut per provincias more solito publicaretur; quod in regno Neapolitano sine contradictione factum est."—(p. 235. t. 10. cap. 11. ibid.)

some had departed, they left the matter to be finished according to the judgment of the Pope, together with the rules made.

XVIII. Consequently Pius IV., (many most learned Prelates being applied to) completed the Index, and commanded that it should be observed by all the faithful everywhere, with his own rules; and decreed that if any one afterwards should read any book condemned on account of the suspicion of false doctrine, or should have it in his possession, he should fall *ipso jure* into excommunication, and against him as if suspected of heresy, proceedings would be taken; but he who should read books forbidden for any other cause besides the supposed guilt of mortal sin, that he should know that he would be *severely punished* at the pleasure of the Bishop: so in the bull of the above-mentioned Pius IV. 'of the Lord's flock,' given on the 24th March, 1564. Thence Philip II., King of Spain, Naples, &c., on the 15th February, 1564, sent forth an edict. The edict of Philip II. is in Van Espen. part 1, tit. 22, de Congr. c. 4, n. 34, at apud Haræum, in Annal Belg., ad annum 1560, in which he commands that the above-mentioned Roman Index, even as it was published by the Pontiff, should be received and ob-

served by all his own kingdoms; and that he would transmit it to all the royal councils, that it should be published in the usual manner through the provinces, which was done without any contradiction in the Neapolitan kingdom."

Liguori now proceeds to inform us, that when pernicious books afterwards were published every where, and the congregation of the Inquisition was insufficient to check the growing evil, Pius V. instituted a new congregation at Rome, called the Congregation of the Index, who should apply themselves entirely ("unice,") to the expurgation of books which are not approved. Gregory XIII., Sextus V., and Clemens VIII., confirm this. Clemens commanded it again to be published throughout the whole world, adding another excommunication against those who should read the works of Heretics, even though they contained nothing objectionable, unless they were before approved. Here now appears the Hostility of Rome to the Bible. THE BIBLE IN THE VULGAR TONGUE, AND IN ITS FREE USE, IS AMONGST THE FORBIDDEN BOOKS!!!

Speaking of the books which are forbidden, Heretical books, &c. &c., he mentions the Bible.

"*SCRIPTURÆ et libri controversiarum in lingua vernacula non permittantur, sine autem permissione legi non possunt.*"—(p. 236. t. 10. ibid.)

"*THE SCRIPTURES AND BOOKS OF CONTROVERSIES MAY NOT BE PERMITTED IN THE VERNACULAR TONGUE: AS ALSO THEY CAN NOT BE READ WITHOUT PERMISSION.*"

The Index, Liguori informs us, gives rules for the visitation of Booksellers' shops, and printing offices. An impression of the Scriptures cannot be given, unless with the permission of superiors. He proceeds:

"*Demum declaratur, quod legentes vel habentes librum propter falsi dogmatis suspicionem damnatum, ipso facto incurvant excommunicationem,*

"Finally, it is declared that they who read, or have in their possession, any book condemned on account of the suspicion of false doctrine,

qui autem alia de causa damnatum legerit vel habuerit, præter peccati mortalis reatum, erit severe ab episcopo puniendus.”—(ibid.)

incur *ipso facto* excommunication; but he who may have read or had a book condemned for any other cause besides the suspicion of mortal sin, must be SEVERELY PUNISHED BY THE BISHOP.”

Liguori, in his attempt to prove the lawfulness of forbidding books, cites the example of the Romish Church in forbidding the Bible. He says,—

“ In concilio Toletano 1229. vetitum fuit ne laici cujuscumque generis et status penes se haberent, durante hæresi, quemcumque librum sacræ Scripturæ, exceptis Psalterio, et Breviario. Concil. Toletan. statut. 13. apud Harduin. t. 7. Collect. col. 178. Et quoniam hæreticorum est sacras Scripturas in vernaculam linguam vertere, ut illas modo suo interpretantes erroneè postmodum tradant suis addiscendas, ideo synodus Biterrensis, anno 1245 (c. 36.) interdixit omnes Scripturæ libros vulgarem in linguam traductos. Idem statuerunt concilia Hierosolymitanum, Mechliniense, Cameracense, et alia plura, quæ observari possunt in libro edito Parisiis anno 1661. ex præcepto cleri Gallicani sub titulo : *Collectio auctorum, qui ex professo sacræ Scripturæ in vulgarem linguam translationes damnarunt.* De hac readest etiam quarta regula indicis. Insuper Papa Clemens XI. proscriptis propositionem

“ In the Council of Toulouse, 1229, it was *forbidden* that the laity, of whatsoever degree or state, should have in their possession, Heresy continuing, *any book whatsoever of the Sacred Scriptures*, the Psalter and the Breviary being excepted. Concil. Toletan, statut. 13, Harduin, t. 7, Collect col. 178. And since it is the custom of Heretics to translate the sacred Scriptures into the vernacular tongue, that they interpreting them erroneously in their own manner may deliver them to their own disciples afterwards to be learned; therefore the synod of Biterrensis, in the year 1245 (3. 36), *hath forbidden* all the books of Scripture to be translated into the vulgar tongue. The same have the Councils of Jerusalem, Mechlin, Cameracensis, and many others decreed, which can be seen in the book edited in Paris in the year 1661, according to the command of the Gallican Clergy, under the title, ‘ The

79. Quesnellii, quæ dicebat : *Utile ac necessarium est omni tempore, omni loco, et omni personarum generi studere, et cognoscere spiritum, et pieta tem, et mysteria sacræ Scripturæ.*”—(p 222. t. 10. cap. 3. ibid.)

collection of authors who professedly condemn the translation of Scripture into the vulgar tongue. CONCERNING THIS MATTER THE FOURTH RULE OF THE INDEX ALSO APPLIES—Moreover Pope Clement XI. hath condemned the 79th proposition of Quesnel, which said : ‘*It is useful and necessary in every time, in every place, and for every degree of persons, to study and to know the spirit, and piety, and mysteries of the Sacred Scriptures.*’”

Here allusion is made again to the 4th rule of the Index of prohibited books, for which, as we have seen, Liguori so zealously argues, and the authority of which he establishes.

I will now therefore give the 4th rule of the Index, by which it will be seen, that no Romanist can properly have a copy of the Bible, without the permission of his superior.

The Blessed Jesus says, “Search the Scriptures.” Rome says, not without my permission, and that permission I will not give, unless I consider that there is no danger of your being converted to Heresy.

RULE OF THE INDEX.

“ Since it is manifest by experience, that if the Holy Bibles are allowed everywhere, without difference, *in the vulgar tongue*, MORE HARM THAN GOOD would arise from it, on account of the rashness of men. Let THE JUDGMENT OF THE BISHOP OR INQUISITOR be abided by in this matter, so that with the advice of the parish Priest or Confessor, they may GRANT the reading of the Bible in the vulgar tongue, translated by Catholic authors, to those whom *they* shall have ascertained to be likely to derive no harm, but rather an increase of faith and piety from this sort of reading, WHICH PERMISSION THEY MUST HAVE IN WRITING. BUT IF ANY ONE SHALL PRESUME TO READ OR POSSESS THEM WITHOUT SUCH PERMISSION, HE MAY NOT RECEIVE ABSOLUTION OF HIS SINS UNLESS HE FIRST DELIVER UP THE BIBLES TO THE ORDINARY.”—(Index Can. Con. Trident. Paris. 1832.)

Here then Rome makes man the judge of his fellow. No Roman Catholic can obtain a copy of the Scriptures, without permission of the superior.

Let us now consider the awful consequences of violating the Index. We have already seen, that the delinquent falls beneath the ban of excommunication, and the displeasure of the Church. Liguori, speaking on this subject, says :

“Incurrunt autem excommunicationem non solum legentes libros hæreticorum prohibitos ut supra, sed etiam qui illos retinent. Quapropter qui eos habet, tenetur quam primum juxta præceptum *Pii IV.*, tradere vel inquisitoribus, vel episcopis. Et loquendo de regnis ubi viget inquisitio, dicit *P. Suarez cum aliis* (*Barb. dicast. apud Croix, lib. 7. n. 355.*) incurrere censuram etiam qui librum non tradit, quamvis comburat.”—(p. 248. t. 10. cap. v. *ibid.*)

“But they incur excommunication who not only read the books of Heretics prohibited as above, *but even they who keep them in their possession.* On which account he who has them is bound, as soon as he can, according to the precept of Pius IV., to deliver them either to *the Inquisitors* or the Bishops. And in speaking concerning kingdoms where *the Inquisition flourishes*, P. Suarez, with others, says, (*Barb. dicast. apud Croix, lit. 7, n. 355.*), *that he incurs censure who does not deliver up the book, although he burns it.*”

He states further, that others think that the man may be excused, provided *he has BURNED THE BOOK!* This then is the penalty of violating the Index. If, for example, some one hungering and thirsting after righteousness, should obtain a copy of the Bible, and read it without the permission of the Church, or when that permission is denied, if he should read the words of everlasting life, which Jesus hath written in the Scriptures, and in which he speaks to his people ; if he should become such a character as that described in the first Psalm, a man that meditateth in the law of God, then he sins against the Church ; he falls beneath her ban ; the Inquisition, where it flourishes, comes in, searches his house, has him apprehended on the suspicion of heresies, for reading the Bible ; he is put to the rack, and at length that man who “searched the Scriptures daily,” is led as a Martyr to the stake. Rome ! many such deeds hast thou perpetrated. In

Spain the Reformation was extinguished by the Inquisition. Throughout our own beloved land did the fires of martyrdom burn. But perhaps some one will say that Romish Bibles are sold in the Roman Catholic shops in England. True; but this is only to cast dust into the eyes of a Protestant people. In England, Rome wears a mask, she has an object to accomplish. But let her Councils and standard works tell of her real principles.

Are Bibles, even Romish versions, sold generally in the public shops in Spain, Portugal and Italy? It is well known that they are not; but in England, they are sold simply, as we have said, to cast a mantle round the deformities of Rome. That it is the custom of Popery to adapt itself to the circumstances of various countries, is evident from the following passages which will serve as a specimen of the many we might quote.

“ In Germania audire conciones hæreticorum, deducere funus, assistere baptismo pro patrino, non habentur signa professiva fidei vel communio-
nis cum hæreticorum sacris
Filliuc Azor. Sanch. ii. cc. unde, seclusis aliis, v. qr. scandalô, periculo, prohibitione etc., si ex justa causa fiant licent. (At in Synodo Neapolitana expresse prohibetur assistere concionibus, catechismis, et quibuscumque litibus hæreticorum ex quocumque prætextu. Estque casus reservatus cum excommunicatione *ipso facto* cæterum Salm, *tract. 21. cap. 2. n. 522.* tenet licere, modo absit scandalum, periculum perversio-
nis et communicatio impietatis.”—(p. 119. t. 2. n. 16. cap. 3. lib. 3.)

“ In Germany, to hear the sermons of Heretics, to attend at funerals, to assist at baptism as a sponsor, are not esteemed distinct signs of the faith, or communion with the sacred things of Heretics. . . . Hence other things being secluded, to wit, offence, danger, prohibition, &c., they may be done if for a just cause. (But in the Neapolitan Synod it is expressly forbidden to assist at the sermons, catechizings, and all other services of Heretics, on any pretext whatsoever. And it is a reserved case with excommunication *ipso facto*, but Salm, tract 21, cap. 2, n. 522, holds that it is lawful, provided that scandal, the danger of perversion, and the communication of impiety, are absent.”

The fact that the Bible is sold in Protestant countries by

Popish booksellers, is explained by Romish Doctors themselves. Dr. Dens, having given the fourth Rule of the Index, and stated that it is strictly binding in Romish countries, says, "Yea, rather according to Steyaeret, the law (4th rule of Index) was received and hitherto observed (with some variety, according the peculiar genius of nations), in by far the greatest portion of the Catholic world, nay, in the whole of that part of the world which is completely Catholic: *it was more dispensed with ONLY where Catholics lived among Heretics.*"—Vol. ii. p. 103. Dub. 1832.

This statement accounts for the fact, that Bibles are sold in Nottingham and other places where it is the object of Popery to effect *a purpose!* In Romish countries, however, Popes have opposed the circulation of the Bible, urging the observance of the 4th Rule, even within the last few years. Pius VII., in the year 1816, and again in 1820; Leo XII., in the year 1824, and the same Pope again in 1825; Pius VIII., in 1829, and Pope Gregory XVI., so late as May 25th, 1843, enjoin the strict observance of the 4th Rule of the Index, which, as has been shewn, robs man of his birthright—the BIBLE !!

In Protestant countries, however, as the above passage from Dens testifies, this is relaxed to throw dust into the eyes of the Protestants.

From these passages we may observe that Rome adapts herself to the peculiar circumstances of each country, to accomplish her purposes. While in Protestant Germany it is lawful (according to Liguori), for a Romanist to be present at the sermons, &c., of heretics, it is absolutely forbidden in the Neapolitan kingdom. Many other instances might be pointed out; these, however, will serve as an example.

Thus, the Bible in Protestant England is sold in Romish shops to disguise the principles and spirit of Rome.

The principles of Popery are seen in her Councils and standard works. Liguori is a canonized Saint. On the 2nd of August the following prayer is addressed to him:—"Oh God, who by the blessed Alphonsus, thy Confessor and Pontiff, inflamed with the love of souls, hast enriched thy Church with a new offspring, we implore that, taught BY HIS ADMONITIONS, and strengthened by his example, we may be able to come to thee through the Lord."—*Roman Missal, Mechlin,* p. 402.

Here Romanists "IMPORE" God, that taught by the admonitions of Liguori, they may finally reach the shores of heaven; the Church of Rome has declared that his works contain NOT ONE WORD WORTHY OF CENSURE! and yet in them he urges strenuously the suppression of the free use and circulation of that word "which is a lamp unto our feet,"—which speaks to all classes and conditions of mankind,—to the king in his palace,—the poor man in his lowly cot—the learned and the unlearned,—the wise and the simple,—masters and servants,—parents and children. To *all* God speaks in the Bible. Here the rich may find heavenly treasures, "which neither moth or rust doth corrupt,"—Here the poor may find "the pearl of great price,"—Here the wise will learn "to count all things but loss for the excellency of the knowledge of Jesus Christ our Lord,"—and the simple and ignorant may be "made wise unto salvation through faith which is in Christ Jesus." The Bible is adapted to all, intended for all, and to all addressed. The Bible, next to the inestimable gift of God's own Son, is Heaven's best boon; it is emphatically called "*the Bible*," the best book; yet Rome prohibits it. The Inquisition has torn it from many "a waiting soul."

CHAPTER V.

THE LAWFULNESS OF DISSEMBLING OR CONCEALING
THE FAITH!

LIGUORI having considered what mysteries of the faith are necessary to be believed, as also, when the obligation of professing the faith is binding, in which he maintains much that is objectionable; in chap. the third, treats upon the subject of denying and dissembling religion: he *distinguishes* between the absolute denial of the faith, and the dissimulation thereof: while the former is unlawful, *the latter is LAWFUL*, as will be seen in the following extracts:

In answer to the question whether it may be lawful to deny the faith or to profess a false one, he quotes the following sentiment:

“ RESP. Nullo casu licet, sive voce, sive alio signo fiat, dicente Christo: *Qui negaverit me coram hominibus, etc.* Interim vero, etsi licitum non est mentiri, seu simulare quod non est, licet tamen dissimulare quod est, sive tegere veritatem verbis, aliisve signis ambiguis et indifferentibus, ob justam causam, et cum non est necessitas fatendi. *Est comm. S. Thom. Kon. dis. 15. dub. 2. n. 9. Laym. l. 2. t. i. c. 11.*” —(p. 116. t. 2. n. 12. cap. 3. lib. iii.)

“ In no case is it lawful, whether it be done by voice or any other sign: Christ having said, ‘He who hath denied me before men,’ &c. Notwithstanding, indeed, although it is not lawful to lie, or to feign what is not, **HOWEVER IT IS LAWFUL TO DISSEMBLE WHAT IS, OR TO COVER THE TRUTH WITH WORDS, OR OTHER AMBIGUOUS AND DOUBTFUL SIGNS, FOR A JUST CAUSE, AND WHEN THERE IS NOT A NECESSITY OF CONFESSING.** It is the common opinion. St. Thomas, dist. 15. dub. 2. n. 9. Laym. l. 2. t. 1. c. 11.

This proposition he quotes with approval! nothing can be clearer or more distinct.—He says, that *it is lawful to dissem-*

ble religion for a good cause! therefore, Dissimulation in religion is established as a Romish doctrine: it is a matter of fact that the canonized Liguori and Aquinas teach it.

Such is the proposition from which certain corollaries are deduced.—Two general cases are considered:

First, the Romanist *asked* concerning his religion.

Secondly, the Romanist *not asked* concerning his religion.

May the Romanist, interrogated even by public authority, conceal his faith—cover the truth—tergiversate, and answer obscurely? Is he bound according to the *approved* Theology of Liguori, (*approved in the year 1839*), when asked concerning his faith, with “the mouth to make confession unto salvation?” An answer is given:

“ Qui rogatus seu privata, seu publica auctoritate, vel tacet, vel respondet obscure, vel ait, se nolle respondere; se jure non rogari, non teneri se, nec velle aliis dicere quid ipse credat, ac simili modo tergiversatur, non videtur negare fidem, sed nolle prodere. Unde, si sic possit molesta inquisitione liberari, licet, ut habet Kon. l. c. Generatim enim verum non est, quod interrogatus ab auctoritate publica teneatur positive fidem profiteri, nisi quando id necessarium est, ne praesentibus videatur fidem negasse. Kon. d. 15. dub. 2. Navarr. Azor. Sanch. Bec. c. 9. quæst. 4. (*Hac de re ride propos. 8. inter damnatas ab Innocent XI.*)”—(p. 117. t. 2. n. 13. ibid.)

“He who, being *asked* either by private or public authority; is silent, or answers *obscurely*, or says that he does not wish to answer—that he is not justly interrogated—that he is not bound, nor does he wish to speak to others what he himself *may* believe, and in like manner *tergiversates*, does not appear to deny the faith, but is unwilling to betray it. Whence, if thus he may be able to deliver himself from a troublesome investigation, IT IS LAWFUL, (as Kon. has it, l. c.) *for generally it is not true that he who IS INTERROGATED by public authority is positively bound to profess the faith*, unless when that is necessary, lest he may *appear* to those present to deny the faith.”

Having considered the lawfulness of flying to escape persecution, &c. &c. he says :

“ Si princeps generali lege mandet fidelibus, ut se pro-

“ If a prince command the faithful by a general law, tha-

dant, gestato signo, vel sistendo se, vel aliter, non tenentur, cum nemo teneatur verum dicere, nisi specialiter rogatus. Exceipe, nisi eae sint circumstantiae, ut hoc ipso, quod se non prodant, videantur fidem negasse, ut v. gr. si quidam antea noti essent et tunc ex hoc putarentur defecisse. *Sanchez, n. 19. Rec. Reg. Fill. n. 88. etc.*" —(ibid.)

they should betray themselves by bearing a sign, or by avowing themselves or otherwise, *they are not bound*, since no one is bound to speak the truth unless specially interrogated. Unless, there may be these circumstances, for example, this one—that they who did not avow themselves may appear to deny the faith, viz. if some were *previously known*, and thence, on this account, were thought to have fallen away."

Liguori considers the case of a Romanist not asked concerning his faith. As we have seen, even when asked by public authority, the member of the Church of Rome may dissemble; the same "*a fortiori*" is true of the Romanist not asked concerning his creed :

" Cum non rogaris de fide, non solum licet, sed saepe melius est ad Dei honorem, et utilitatem proximi, tegere fidem quam fateri : ut si latens inter haereticos plus boni facias ; vel si ex confessione plus mali sequeretur, verbi gratia, turbatio, neces, exacerbatio tyraanni, periculum defectionis, si torquereris. Unde temerarium plerumque est offerre se ultro. *S. Th. Sanch. Laym. c. 11. n. 2.*"—(idem. n. 14. ibidem.)

" When you are not asked concerning the faith, not only is it lawful but often more conducive to the glory of God and the utility of your neighbour to cover the faith than to confess it ; for example, IF CONCEALED AMONG HERETICS YOU MAY ACCOMPLISH A GREATER AMOUNT OF GOOD,—or, if from the confession of the faith more of evil would follow, — for example, great trouble, death, the hostility of a tyrant, the peril of defection, if you should be tortured. Whence it is often rash to offer one's self willingly."

Such are the accommodating principles of the Church of Rome, as to dissimulation—accommodating to the Romanist,

and useful for the midnight purposes of a Church, whose mark is “*the deceivableness of unrighteousness*,” but dangerous, I maintain, to the peace of society—destructive to the well being of a nation, and demoralizing and soul destroying in their tendency. But the Casuist (Liguori) enters very minutely into particulars. He teaches that the badges, garments, &c. &c. of Infidels, Jews, Turks, &c. may be worn, if they are merely political distinctions, “to dissemble the faith;” nay, a Romanist may even *eat meat on fast days, a sin of great heinousness on ordinary occasions, but no sin at all, when it answers the purposes of dissimulation!*

“ Licitus item modus est, cum catholicus transit per loca hæretica, et periculum grave ei imminet vitæ, v. gr. vel bonorum (non tamen, si derisio tantum, vel vexatio, ut habet *Bec. c. 9.*), ad dissimulandam fidem, vesci carnibus die prohibito, quia præceptum Ecclesiæ non obligat sub tali periculo.”—(p. 118. t. 2. *ibidem.*)

“ It is a lawful custom when a Catholic (Romanist) passes through an heretical country, and is in great danger of losing his life or goods, (not however if he only suffer derision or annoyance, *as Bec maintains, c. 9.*) for the purpose of DISSEMBLING the faith, to eat flesh meat ON FAST DAYS, because the command of the Church is not binding under such peril.”

The Protean system of Popery adapts itself (as it has been already shewn) to every country.

“ In Germania audire conaciones hæreticorum, deducere funus, assistere baptismo pro patrino, non habentur signa professiva fidei, vel communionis cum hæreticorum sacris. *Filliuc. Azor. Sanch. ll. cc.* Unde, seclusis aliis, v. gr. scandalo, periculo, prohibitione, etc. si ex justa causa fiant, licent.”—(p. 119. t. 2. *ibidem.*)

“ In Germany, to hear the sermons of heretics—to attend at a funeral—to act as a sponsor for a child in baptism—are not esteemed professing signs of the faith or of communion with the religious offices of heretics. *Filliuc. Azor. Sanch. ll. cc.* Whence other things apart, viz. scandal, peril, prohibition, &c. if they are done for a good cause, THEY ARE LAWFUL.”

These, however, we are informed, are absolutely forbidden in the Neapolitan kingdom. A Romanist in Germany is permitted to act as sponsor, in the expectation that he will rear the Protestant child in the Romish creed. Such are the principles defended by the approved Liguori.

I would now briefly sum up the various points which I have proved that Liguori teaches.

I. It is lawful to *dissemble* the faith.
II. Even when interrogated by public or private authority, the Romanist is *not* bound to profess the faith?

III. He may answer *obscurely*!
IV. He may use *tergiversation*!
V. He may *eat flesh meat on fast days*, to accomplish the purposes of dissimulation!

VI. He may listen to the sermons of heretics!
VII. He may attend the funerals of heretics, and stand as sponsor for their children, intending to imbue their minds, if possible, with Romish sentiments!

VIII. He may use ambiguous words—ambiguous signs and badges—to dissemble his creed; but none of these courses should he adopt, “if he may *appear* to those present to deny the faith.”

This condition gives us a further view of the designus of the Papacy. Why is it necessary to abstain from “the appearance of denying the faith”?

Liguori and Dens will answer the question. The former, when speaking of a Romanist dissembling his religion, makes an exception—“if he appear to deny the faith.” “ut v. gr. si quidam antea noti essent et tunc ex hoc putarentur defecisse.”

“For example, if some were *previously known*, and then on this account would be thought to have fallen away.”

If the religious principles of a Romanist were known before the inquiry was made, he is bound at once to acknowledge and confess his faith, lest otherwise he should be considered as an apostate, which would injure the reputation of the Church, to whose interests all other interests must give way. Dens states that confession of the faith should be made.

“When by the omission of confession due honour would not be rendered to God; *that is to say*, if any one interrogated concerning the faith would be silent, and on this account, it would be believed either that he had no faith, or that *the faith was not true*.”

"When by the omission of confession, the neighbour would suffer loss, as if in the case preceding, some from his silence would be turned away from the faith."—(tom. ii. n. 43. Dub. 1832.)

Here we find the almost obvious reason for which the *appearance* of dissimulation must be avoided, even the interest of the faith or the Church, which would suffer materially, as in the above-cited cases, by *apparent* dissimulation. Dissimulation well disguised is lawful, nay, according to Liguori, often more conducive to the glory of God and the well-being of the public. He considers it highly commendable for a Romanist to lie hid among heretics, if he can thereby advance the interests of the Church more effectually.

In a letter which appeared in the Nottingham Journal, I supposed the following case, which I now quote as it was given in that paper. "According to these principles, the following case may often occur : A devout Romanist seeks for the office of tutor or governess ; he or she dissembles his or her principles, even if *interrogated*, provided that the dissimulation is not so flimsy as to be seen through. That Romanist covertly disseminates unsound principles amongst the members of the family, and some of the children, in consequence, leave their father's house, and wound his feelings, by joining a Church against which he conscientiously protests. The father too late finds out the source of his calamities, and too late mourns over the bitter and the awful consequences of ROMISH DISSIMULATION!"

The Church of Rome is truly an equivocating, dissembling, tergiversating, and Protean system,—ever the same in principle, unchanged and unchangeable, it yet adapts itself to circumstances, that it may the more readily accomplish its designs. To dissemble religion, lie hid among heretics, and cover the truth with ambiguities, is quite lawful, nay laudable, when such means are likely to serve the Church. Hence, *Jesuitry in disguise* : but if the circumstances of Rome are such as to call for even the greatest sacrifices, these sacrifices must be rendered—the votary, under other circumstances concealing his faith, dissembling and tergiversating, must openly, when the good of the Church demands it, endure any and every ill. Oh, how different is the genius of true Christianity, whose crystal streams flow from the sacred fountains of divine truth. The religion of Jesus, under no circumstance, justifies

dissimulation or dishonesty. Being "the truth," it would establish its saving and sanctifying influence by truthful means; "*lying lips are an abomination to the Lord, but they that deal truly are his delight.*" The woe is written, "that whosoever loveth and maketh a lie, shall have his part in the lake that burns with brimstone and fire." To dissemble the faith—to lie hid amongst those who hold opposite religious sentiments, to conceal religion under ambiguous words and badges,—is, notwithstanding the assertion of Rome, to deny Christ. How emphatic is the language of our Saviour, "Fear not them which kill the body but are not able to kill the soul, but rather fear him which is able to destroy both soul and body in hell. Are not two sparrows sold for a farthing, and one of them shall not fall to the ground without your Father. But the very hairs of your head are all numbered. Fear ye not, therefore, ye are of more value than many sparrows. *Whosoever therefore shall confess Me before men, him will I confess before my Father which is in heaven; but whosoever shall deny Me before men, him will I also deny before my Father which is in Heaven.*"—Matt. x. 28-33.

It is the Christian's duty to confess Christ, even though "bonds and imprisonments" await him, for with "the heart man believeth unto righteousness, but with the mouth confession is made unto salvation." This truth "the noble army of martyrs" felt and acted upon.

Satan is called "the father of lies." Rome, "the mother of harlots and abominations of the earth," whose mark is "*the deceivableness of unrighteousness,*" teaches the lawfulness of dissembling and lying, in one of the most sacred duties—even the confession of Christ. Surely such a system is not only soul destroying, but even injurious to social well being, and necessarily calculated to undermine, by the most unhallowed means, the civil and religious liberty—the prosperity of this great Protestant country.

CHAPTER VI.

IT IS LAWFUL TO DO EVIL THAT GOOD MAY COME, PROVED TO BE ONE OF THE PRINCIPLES OF THE CHURCH OF ROME.

HAVING treated on the nature of heresy, Judaism, the love of God, &c. &c., he considers the duty of charity.

“ Utrum liceat suadere, aut permittere minus malum ad majus evitandum ?

“ *Prima sententia* negat, prout tenet Laym. de Car. c. 12. n. 7. cum Azor et aliis. Ratio, quia comparativum non tollit positivum ; unde qui suadet minus malum, vere malum suadet. Limitat vero Laym. cum Azor. nisi malum illud sit virtualiter inclusum in illo alio majori. Sic parato aliquem occidere potes suadere, ut manum tantum amputet; eidem tamen, non alteri designato ; sic etiam volenti adulterari potes suadere fornicationem cum soluta in generali, non autem in particulari. Admittunt hoc Salm. loc. cit. dummodo ille decreverit utrumque malum patrare, cum Nav. etc. At Laym. indistincte loquitur, et Sanch. cum secunda sententia, ut mox dicetur, hanc limitationem expresse rejicit: quia (dicit) tunc minus malum proponitur, non

“ Whether it may be lawful to *induce* or to permit a lesser evil for the avoiding of a greater one ?

“ The first opinion denies that it is, according as Laym. holds, de car. c. 12. n. 7. with Azor. and others. The reason of which opinion is, because a comparative does not take away the positive evil; whence he who induces one to commit a smaller sin, truly induces him to commit a sin. *But* Laym. with Azor. limits it unless that evil is virtually included in that other greater evil. *Thus you may be able to persuade any one who is determined to commit murder that he should only cut off the hand;* however, of the same person, not another chosen person: *thus also,* you may persuade a man wishing to commit adultery to commit fornication with an unmarried person, *in general,* but not with any one in particular.

ut alter illud perpetret, sed ut a majori retrahatur.

"*Secunda igitur sententia probabilior tenet, licitum esse minus malum suadere, si alter jam determinatus fuerit ad majus exequendum.* Ratio, quia tunc suadens non quærerit malum, sed bonum, scilicet electionem minoris mali. Ita *Sanch. de Matrim. lib. 7. d. XI. n. 15. cum Sot. Mol. Nav. Medin. Sylvest. et aliis pluribus, ac Salm. tract. 21. c. 8. n. 58. cum Cajet. Sot. Pal. Bonac. etc. probabilem putat Croix lib. 2. n. 223.* Hinc docet id. *Sanch. n. 19. cum Cajet. Sot. Covar. Valent.* parato aliquem occidere, licite posse suaderi, ut ab eo furetur, vel ut fornicietur. Et probat ex *S. August. in c.* Si quos verius, 33. q. 5. ubi: *Si enim facturus est, quod non licet, jam faciat adulterium, et non faciat homicidium; et vivente uxore sua, alteram ducat, et non humanum sanguinem fundat.* Ex quibus verbis, *jam faciat adulterium,* probat *Sanch. dict. n. 15. cum Soto, Mol. Nav. Abb. etc. S. doctorem,* non tantum permitendo, sed etiam suadendo locutum fuisse. Et hoc addit *Sanch. n. 23. cum Sal.* licere non solum privatis, sed etiam confessariis, parentibus, et aliis, quibus ex officio incumbit, impedire peccata subditorum."—(p. 175. t. 2. n. 57. cap. 2. lib. 3.)

This the Salmanticenses, in the place cited with Nav. etc. admit, provided that he hath determined to commit either evil. But Laym. speaks indistinctly with the second opinion, (as will hereafter be shewn) and Sanches rejects expressly this limitation, because he says that a less evil is proposed to him, not that the other should perpetrate that, but that he should be drawn from a greater.

"Therefore the second opinion is the more probable one, THAT IT IS LAWFUL TO INDUCE a man to commit a less evil, if the other has already determined to perpetrate a greater. The reason is, because he that persuades does not seek an evil but a good, to wit, the choice of a lesser evil: thus *Sanch. de matrim lib. 7. de xi. n. 15. with Sot. Mal. Nav. Medin. Sylvest, and many others,* and *Salm. tract 21. c. 8. n. 58. with Cajet. Sot. Pal. Bonac. etc. Croix.lib.2.n. 223.* thinks it probable. Hence Sanches teaches, n. 19, with Cajetan Sot. Covar. Valent. that *it is lawful to PERSUADE a man, determined to slay some one, that he should commit THEFT or FORNICATION, and he proves it from St. Augustin, in c. si quos verius, 33. c. 5. ubi. 'For if he is about to do that which is not lawful, in that case he may commit adultery, and he*

may not commit homicide; and, though his own wife be alive, he may marry another, and not shed human blood.' From which words, now he may commit adultery, 'jam faciat adulterium,' *Sanches proves*, with Soto. Mol. Nav. Abb. etc., that the doctor not only was speaking of permitting, but EVEN OF PERSUADING. And this, adds Sanches, n. 23. with Sal., that it is lawful not only for private persons, but even *confessors, parents, and others*, upon whom the duty is officially incumbent to prevent the sins of those under them."

How truly awful are these sentiments; when I first read them I could scarcely credit my senses, and believe that any man would teach such iniquitous and demoralising principles. "A man may do evil that good may come," this is, *in effect*, the antichristian sentiment of the Church of Rome. Liguori, Sanches, Cajetan, &c. &c., hold that it is lawful to induce or persuade ("suadere") a man to commit a smaller offence, that he may abstain from what is esteemed by Rome a greater. Of this, illustrations and examples are given: a certain man is determined to commit adultery, but fornication is a lesser crime; therefore use, says Liguori, all the powers that you possess, in leading that man to commit fornication, if thereby you will keep him from committing adultery! Another example is given; a man is determined to commit murder, but adultery is not so great a crime as murder,—use, say Liguori, Cajetan, Sanches, &c., all the influence you possess, to induce that man to commit adultery, if thereby you will save him from committing murder. It is not only the duty of private persons thus to act, but much more of confessors, parents, &c., upon whom the duty is especially incumbent. If then a man reveals in the secrecy of the confessional his determination to take away the life of his fellow, the priest must induce him, if possible, to commit adultery or some other crime in lieu

thereof. How chaste are the principles of Popery! How sanctimonious is the tendency of the confessional! This principle of doing evil that good may come, arises from the fact, that the spirituality and requirements of God's laws are not regarded. All transgressions equally and alike merit the curse denounced ; any thing which falls beneath the high standard of the law is sin, the wages of which is death. Even the eating of an apple "brought death into the world, and all our woe ;" "*the thought* of foolishness is sin." The Christian will abhor, discountenance, and discourage in every way that which is displeasing to his God ; he feels his own guilt—he hates sin—he regards fornication, adultery, and murder, in the same light, as alike displeasing to the Lord ; and the man who is set upon murder he will not induce to commit adultery in lieu thereof,—the man who is set upon adultery he will not lead to the commission of fornication as a lesser evil ; but he will boldly rebuke such ungodliness,—preach the Gospel in its fulness and freeness—that Gospel which is effectual in turning sinners from darkness to light, which can make "the wilderness and the solitary place be glad, and the desert blossom as the rose."

Let the sinner be ever so determined to commit certain crimes, it is absolutely antichristian to *induce* him to commit what is esteemed lesser crimes, that he may not be guilty of the intended greater ones. The power of the preaching of Christ crucified can change the will and most inveterate determination of the greatest and most abandoned profligate, so that he will gladly abandon his wicked ways, and take up his cross to follow Jesus in the way everlasting. Behold the persecuting Saul of Tarsus ; he breathes fury against the saints of the Most High, and receives authority to scatter and slay the flock of Christ's sheepfold. With a murderous intent, he goes to Damascus at the head of an armed band ; but vain are the determinations of impotent man, when the potent Jesus makes bare his arm. The persecutor is converted—he becomes a meek and lowly follower of the meek and lowly Saviour : and there is some reason for believing that we of the British Isle are indebted to that very convert for the knowledge of Christ. **THE GOSPEL IS ALL POWERFUL.** *No determination is too firm—no heart too hardened—no nature too wicked to obey its mighty energy and power, when that power is put forth.* God, who commanded the light to shine out of darkness, can

cause the light of the Gospel to shine upon the moral chaos of the sinner's heart. God, who by the influence of his Spirit brings all his people to a knowledge of the truth – though once not his people, but “without hope in the world,” can make the murderer, the adulterer, and the fornicator abandon their iniquitous intents, and “count all things but loss for the excellency of the knowledge of Christ Jesus;” and the Christian—the follower of the Lamb—the inheritor of the mind of Christ—will never seek to turn the sinner *from one abomination by presenting to him another*. He will recognise the Gospel alone, with all its saving power, as the blessed means of renewal. Is it possible that Rome teaches sentiments such as those quoted from Liguori? *Yes!* she has declared that the works which give them to the world are “*not worthy of censure in one word.*” *Yes!* she has canonized the author; nor was that commendation *hastily* pronounced, for we are assured by Rome herself that all the writings of the *Saint* underwent “more than TWENTY TIMES a RIGOROUS EXAMINATION,” before they were *sealed with Papal authority*. My bosom heaves with amazement—I could shed tears of bitterest sorrow when I reflect on these opinions, and remember that these are the doctrines of a community IN THE NINETEENTH CENTURY! Is there any language too strong in which to denounce—is there any indignation too great with which to feel against such principles? No; for they are soul-destroying—they are demoralizing—they are “earthly, sensual, and devilish.” No wonder that when Popery prevailed, the Church of Rome was the participator in as well as the propagator of vice; but let us pity the Romanist, and pray that he may be led into the way everlasting.

Liguori considers various cases in which it is lawful for man to co-operate with his fellow in sin. Here there is some variety of opinion between Liguori, Sanches, Becanus, &c. &c., as on other points. The detail of these various sentiments will serve to shew the nature of the morality which is taught by Rome through *her authorised teachers and expositors*.

“Resp. 6. Potest aliquando
permitti proxima ruina, quando
is paratus est ad malum, et
alter non intendit, ut pecet,
sed tantum, non auferendo
occasione, permittit unum pec-

“The ruin of a neighbour
can sometimes be permitted,
when he is prepared for evil,
and the other does not intend
that he should sin, but only, in
notremoring the occasion of sin,

catum, ne fiant plura, ita ut
permissio sit impeditiva majo-
ris mali."—(p. 176. t. 2. n.
58. cap. 2. *ibid.*)

he permits one sin, lest more
might be committed, so that
the permission may be the im-
pediment of greater evil."

Liguori notices the conclusions which follow. Here, however, in the carrying out of the principle, there is some variety of opinion. There is some difference between removing the occasion which already exists, of sin, and *the affording* of an occasion which did not before exist. Liguori, Sanches, and all the Doctors agree in this, that a man is not bound to remove *the occasion* of sin, but to permit its existence, even knowing that the thief, adulterer, &c. &c., will fall therein. But as to the *affording of an occasion* there appears to be some difference of opinion ; Sanches seems to think it probable that such is not lawful, for it would be a positive concurrence in the sin ; but Liguori and a host of Doctors who are cited, think that *it is lawful to AFFORD an occasion of sin.*

TO MAKE READY THE MEANS OF COMMITTING ROBBERY AND ADULTERY FOR THE MAN WHO IS PRONE TO THESE CRIMES!!!

The following extracts will shew that this charge is founded in truth :

" Hero licet non auferre oc-
casione furandi filii, aut fam-
ulis, cum eos nihilominus ad furandum propensos, et paratos,
novit, ut sic deprehensi puni-
antur, et resipiscant : tunc enim rationabiliter permittit furtum unum, ut evitentur plura. Sanch. Laym. Bon. (*Et hæc sententia videtur satis communis cum Sanch. de Matrim. l. 10. d. 12 n. 52. qui citat pro ea Sot. Led. Nav. Sal. etc. Et consentit D. Th. in supp. 3. part. q. 62. art. 3. ad 4. ubi : Quandoque vir uxorem suspectam de adulterio habens ei insidiatur, ut depre- hendere possit eam cum testi- bus in crimine fornicationis;*

" It is lawful for a master not to take away the occasion of stealing from his children or servants, when, notwithstanding, he knew that they had a propensity and were prepared to commit theft, that, thus taken in the act, they may be punished and come to repentance ; for, then, reasonably he permits one theft, that more may be avoided. (Sanch. Laym. Bon.) (And this opinion appears sufficiently common, with Sanch. de Matrim. l. 10. d. 12. n. 52. who quotes in its support, Sot. Led. Nav. Sal. and others ; and D. Th. agrees with it in supp. 3. part. q. 62. art. 3. ad 4. where it is

et sic potest ad accusationem procedere. Idem admittit Tourn. t. 3. p. 337. cum Antoine.)—(p. 176. t. 2. n. 58. cap. 2. *ibid.*)

said—Whosoever a man, having a wife suspected of adultery, lays a snare for her that he may be able, even with witnesses, to detect her in the act, and thus is able to proceed against her. The same, Tourn. admits, t. 3. p. 337. with Antoine.)”

So far there is no difference of opinion expressed. All the quoted authors agree that it is lawful *not to take away the occasion* of evil, but whether it is lawful positively to make an occasion and place it willingly before the sinner is now the question. Sanches holds it *probable* that it is not, but Liguori, *the approved and the canonized*, HOLDS THAT IT IS! We proceed:

“ Probabile est non licere talia ultro ponere, aut iis objecere, quia positive concurreret ad peccatum; et non tam auferret occasionem; quam ponebat: *Sa. v. Peccatum, et Sanch.* qui ex eadem causa docet non licere marito dare uxori ansam adulterandi, vel adulterio, ut tentet uxorem.”—(p. 177. idem. *ibid.*)

“ It is probable that it is not lawful willingly to *place* such things or *to put* them in the way, because that would be positively a concurrence in the sin; and would be not so much the taking away of an occasion as the placing it in the way: *Sa. (v. peccatum)* and *Sanch.* who, for the same reason, teaches that it is not lawful for a husband to *give* to his wife *the occasion to commit adultery, or to the adulterer* an opportunity to seduce his wife, for the sake of bringing her virtue to the trial.”

Here Sanches, while he holds that it is lawful *not to remove* the occasion of sin, thinks it *probable* that it is unlawful to afford the occasion, or to place it in the way. The distinction is a fine drawn one—but, as it will be seen Liguori, Laym, &c. &c., hold the *reverse*, and maintain that it is lawful *to afford the occasion*. To proceed :

"Interim probabiliter contrarium docet Laym. lib. 2. t. 3. cap. 13. quod confirmari potest exemplo Judith, quae vix aliter videtur fecisse c. 9. Cum enim sciret permissionem libidinis in Holoferne fore impeditivam malorum, posuit ei occasionem, nempe ornatum suum, alioqui licitum, et tamen, communiter censetur in hoc non peccasse. *Vide Bonac. d. 2. q. 4. pag. 2. Palaum hic.*" —(ibid.)

"Meanwhile, Laym. probably teaches the *contrary* opinion (to Sanches, &c.) lib. 2. t. 3. cap. 13, which can be confirmed by the example of Judith, who scarcely appears to have done otherwise, c. 9. *For when she knew that the permission of lust in Holofernes would be an impediment to evils, PLACED BEFORE HIM THE OCCASION, namely, her own beauty, otherwise lawful, and yet in this she is commonly thought NOT TO HAVE SINNED.*"

Laym. then holds the opposite opinion to Sanches. The opinion of the former is justified by an example taken from the Apocrypha; with Laym. a host of Doctors accord. Sanches thinks otherwise, but Liguori differs with him, and states his own view as follows :

"Sed hoc non obstante, satis probabilis videtur prima sententia, quia, cum maritus, vel dominus praebet ansam mæchandi, vel furandi, non vere inducit ad peccandum, sed praebet occasionem, et permittit peccatum alterius, ex justa causa, scil. ut se indemnem servet a periculo damni obveniatur. Aliud enim est inducere, aliud præbere occasionem. Illud est intrinsice malum, non autem hoc: alioquin nunquam liceret, etiam ex causa justa, petere mutuum ab usurario,

"But this reason not being valid, the first opinion appears sufficiently probable, because when a husband or master AFFORDS AN OPPORTUNITY* OF COMMITTING ADULTERY OR THEFT, he does not truly induce to sin, but *he affords* an occasion of sin, and permits the sin of another for a just cause, viz. that he may preserve himself from an evil which is about to come. For it is one thing to induce, *another* thing to AFFORD an occasion of sin. The former is

* "The word 'ansam,' which I translate 'opportunity,' has a peculiar force. It means, properly, the handle of an instrument, and is used by Cicero in the sense of an *occasion or advantage*. It means more than a mere opportunity, implying direct cooperation and assistance."

juramentum ab infideli etc. quod est contra communem DD. sententiam (quidquid aliquis dicat), et contra D. Th. cum S. August. 2. 2. q. 78. a. 4. Unde S. Th. ibi hanc regulam dat: *Inducere hominem ad peccandum nullo modo licet: uti tamen peccato alterius ad bonum, licitum est.* Imo S. doctor videtur ibid. etiam opinioni mox allatae expresse adhærere, exemplo decem viorum, qui dixerunt ad Ismael (Jer. 41.): *Noli occidere nos, quia thesauros habemus in agro.* Et hos S. doctor asserit minime peccasse.” —(ibid.)

intrinsically evil.—THE LATTER IS NOT INTRINSICALLY EVIL: for if this were not the case, it would never be lawful, even for a just cause, to seek a loan from an usurer, or an oath from an infidel, which is contrary to the common opinion of divines, (no matter what any one may say) and contrary to the opinion of D. Th. with Saint Augustin. 2. 2. q. 78. a. 4. whence St. Thomas there gives this rule—‘ To induce a man to commit sin is in no manner lawful: *however to use the sin of another for a good purpose is lawful!*’ Yea, rather the sainted Doctor seems, in the same place, to adhere expressly to the opinion just mentioned by the example of the ten men who said to Ismael, (Jer. xli.) ‘ Do not slay us, for we have treasure in the field.’ And the holy doctor asserts, that these men did not commit the smallest sin.”

Here then Liguori most unequivocally gives his opinion, that a husband may not only *not* take away, but even *afford* an opportunity to his wife to commit adultery, for the sake of trying her virtue, if he entertain any doubts as to her purity of life—thus also a master may not only *not* take away, but even *afford* an opportunity of stealing to his children and servants, for the sake of detecting them, which is esteemed a just cause. Is not this “*doing evil that good may come,*” a principle which the Apostle in Romans iii. 10, condemns, saying, that the *damnation of those who hold it is just?* Is it not immoral, base, and dishonest? No special pleading can justify it. No sophistry can establish a principle which is so

repugnant to truth—the Bible—and the well being of mankind.

As I have already shewn, Liguori and Romish Doctors teach that it is lawful, in certain cases *to persuade* a man to commit a sin; for example, if it is thought that a good will be accomplished by the sin. If a man be determined to commit murder, a confessor, parent, &c., may induce him to commit adultery instead thereof, because forsooth adultery is a sin not so guilty as murder in the sight of God. Or, if a man be determined to commit adultery, it is lawful to induce him to commit fornication. On the same principle, Rome says, if a man be determined to commit a certain sin, *induce* him to commit another sin, if thereby you will save him from greater guilt. But I would say, that if it is possible to divert the delinquent from one crime to another, it is possible, even by human persuasion, to divert that man altogether from such flagrant wickedness. It is the Christian's duty to avoid all contact with sin, and to afford no encouragement thereto; he will preach “righteousness, temperance, and judgment to come,” and the Gospel—all powerful—can arrest the sinner in his course. The above objectionable principle Liguori again and again urges: in Lib v. n. 77, we find the following passage:

“Quæritur igitur an licitum sit aliquem ad ebrietatem inducere ut ille impediatur a graviori malo, scilicet sacrilegio, vel homicidio committendo? Adsunt tres sententiæ *Prima sententia* affirmat, hancque tenet *Less. l. 4. c. 3. d. n. 33. et probabilem censem Med. Gob. Diana, et alii ap. Croix l. 2. num. 224.* Ratio, quia licitum est paratum ad committendum majus malum inducere ad minus patrandum.” —(n. 77. cap. 3. lib. 5.)

“It is asked, whether it may be lawful *to induce any one to get drunk*, that he may be impeded from a greater evil, for instance, the committing of Sacrilege or Homicide? There are three opinions. *The first opinion says that it is*, and this Less holds l. 4. c. 3. d. l. N. 33. and Med. Got. Diana, and others, ap. Croix l. 2. num. 224. think it probable. THE REASON IS, BECAUSE IT IS LAWFUL TO INDUCE A MAN DETERMINED TO COMMIT A GREATER EVIL TO PERPETRATE A LESS EVIL.”

Liguori gives his opinion—

“ His tamen non obstantibus, prima sententia satis probabilis videtur mihi, et aliis viris doctis a me consultis, sive ebrietas sit materialis, sive formalis, ob rationem jam allatum; quia licitum est inducere alterum ad minus malum, ut impediatur a majori, juxta ea quæ diximus, l. 2. num. 57.”
—(ibid.)

“ However, these reasons not being valid,” (the reasons of those who *do not hold this principle*) “ *the first opinion* seems sufficiently probable to me and to other learned men consulted by me, whether drunkenness be *material or formal* on account of the reason now alleged; BECAUSE IT IS LAWFUL TO INDUCE another TO COMMIT A LESS EVIL, THAT HE MAY BE IMPEDED FROM A GREATER, ACCORDING TO WHAT WE HAVE SAID IN BOOK THE SECOND, NUMBER 57.”

Here Liguori establishes this point by reference to the very book and number upon which we have been treating, in which a Romanist is authorised in certain cases, to INDUCE A MAN TO COMMIT ADULTERY AND FORNICATION!

In article the third the question is asked, “ An liceat alterius peccato materialiter co-operari,” “ Whether it may be lawful to co-operate materially in the sin of another?” to which the answer is given :

“ Resp. Cooperari tantum materialiter, subministrando tantum materiam, et facultatem peccandi, vel exhibendo objectum, licet, si sequentes conditiones adsint. I. Si tum opus, vel cooperatio, sit secundum se bona, vel saltem indifferens. II. Si bona intentione, et rationabili ex causa fiat, et non ut juves alterum in peccando. III. Si alterius peccatum impedire nequeas, aut saltem non tenaris propter causam rationabilem.” — (p. 178. t. 2. n. 59. cap. 2. lib. 3).

“ To co-operate only materially in supplying only the matter and power of sinning, or by *exhibiting an object*, IS LAWFUL, if the following conditions are present :—1. If there is a need of such co-operation, or if the co-operation be of itself good, or at least indifferent. 2. If it be done with a *good intention, and for a good cause*, and not that you may assist another in sin. 3. If you may be unable to impede the sin of another, or at least you are not bound, on account of a reasonable cause.”

Having stated that the doctors generally permit co-operation in the sin of another for a good cause, &c. &c., (*here observe is still the principle of doing evil that good may come!*) he now enters into particulars, and considers certain cases in which it is lawful to co-operate with another in sin. He draws a distinction between material and formal co-operation, and having done so, the first question that he proposes is :

“Quær. I. an famulus ratione famulatus possit comitari herum ad lupanar, vel sternere equum? Affirmant Busemb. hic cum *Nav. Man. etc. ap. Sanch. Dec. 1. c. cap. 7. n. 22.* Et probabilius non sufficit ad id sola ratio famulatus, etiamsi sine famuli ope herus adiret; saltem requiritur metus gravis damni. Ita *Sanch. l. c. Viva in prop. 51. Inn. XI. n. 5. Salm. tr. 21. n. 72.* Qui recte advertunt id nunquam licere, si herus ex comitatu animosior reddatur.

An autem liceat famulo deducere concubinam in domum heri? Dicit *Sanch. 1. c. n. 25. cum Nav. et Man.* quod, si interdominum et concubinam jam conventum erat, tunc famulus sola ratione famulatus excusat, quando dominus etiam sine famulo æque peccatum committeret (alias non excusat nisi ex metu gravis damni, ut *Sanch. n. 22.*) Et idem ait n. 25. de famulo deferente concubinam curru vel sella. Sed merito id non admittunt *Carden. et Milant. in d. proposit. 51. et P. Concina, t. 2. pag. 284 et 285.* Idque tanto magis

“Query 1.—Whether can a servant, by reason of his servitude, accompany his master to a brothel, and for that purpose harness the horse? *Busembaum says Yes;* with *Nav., Man.* and others. *Ap. Sanch., Dec. 1 1, cap. 7, n. 22.* Yet more probably the reason of his servitude alone does not suffice for that, although without the assistance of the servant the master would go; at least *a great fear of loss is required.* Thus *Sanch. 1. c. Viva in prop. 51. Inn. XI. n. 5, Salm. tr. 21, n. 72,* who rightly consider that it is never lawful if the master is rendered more bold by the attendance.

But whether it may be lawful for a servant to bring a concubine into the house of his master? *Sanches 1. c. n. 25.* with *Nav. and Man.* says, that if a meeting had already taken place between the master and the concubine, then the servant, by the sole reason of his servitude, *is excused;* when the master, even without the servant, could equally commit the crime (otherwise he is not excused, *unless from the fear*

non admittendum de famulo vocante concubinam ad domum heri, contra *Azor*. Et idem dico de aurigis et nautis vehen-tibus meretricem ad amasium, qui tantum excusari possunt ob metum gravis damni; vide n. 76." —(p. 180. t. 2. n. 64. ibid.)

of great loss, as Sanches n. 22) and the same he says n. 25. concerning a servant conveying a concubine in a chariot or chair. But justly Car-den and Milant. do not admit that in d. proposit. 51. and P. Concina t.2. pag. 284 and 285, and that much more is not to be admitted concerning a servant calling a concubine to the house of his master, against Azor. And the same I say concerning charioteers and sailors conveying a harlot to a lover, *who only are to be excused on account of fear of great loss.*"

Here, it will be observed, that Liguori and other doctors agree that it is lawful to co-operate in evil, under certain circumstances: as to the circumstances which justify that co-operation there is a little variety of opinion, while, however, *the main principle* is maintained.

Thus, for example, Busembaum and others hold that the mere reason of servitude will justify a servant in accompanying his master to a house of ill fame. Liguori, however, thinks that that reason alone will not suffice, but in addition, there must be the fear of great loss on the part of the servant, which, when it exists, will excuse the sin, nay render it lawful—this, however, is not to be done if the master become thereby the more confident. Sanches holds that a servant may bring a concubine to his master without sin, if a meeting between the guilty parties had before taken place; but Liguori thinks that the fear of great loss alone will excuse that crime. In all this it is observable that a compromise is made with sin; here the principle is established, that for a good cause sin may be committed, and, under certain circumstances, is excusable.

"Quær. III. utrum liceat famulo ostium meretrici apere? Negat *Croix lib. 2. num. 253.* At communius

"Query III.—"Whether is it lawful for a servant to open the door for an harlot? *Croix lib. 2 num. 253.* denies it, *but*

affirmant cum *Bus. Salm. d. cap. 8. num. 74. Laym. de Carit. c. 13. resp. 5. Tamb. cum Sanch. Dian. Azor. Sa. Rodr. etc.* Nec officit propos. 51. Innocentis XI. dicens: *Famulus qui submissis humeris scienter adjuvat herum suum ascendere per fenestras ad stuprandam virginem, et multoties eidem subservit, deferendo scalam, aperiendo januam, aut quid simile co-operando, non peccat mortaliter, si id faciat metu notabilis detrimenti, puta ne a domino male tractetur, ne torvis oculis aspiciatur, né doma expellatur.* Nam *aperiendo januam ex ipsomet contextu intelligitur de apertione per vim confecta, ut recte dicunt Roncagl. de Carit. tract. 6. in Reg. pro praxi n. 4. post cap. 6. Salmant. ibid. n. 74.* Modo (aiunt) ipso non aperiente, adsit alius qui aperiat."

more commonly Bus. Salm. de cap. 8. num. 74. Laym de. Carit. 13. resp. 5. Tamb. with Sanch. Dian. Azor, Sa. Rodr. and others ANSWER THAT IT IS LAWFUL. Neither does the 51 proposition of Innocent xi. oppose this opinion, saying, 'a servant who submitting his shoulders knowingly assists his own master in ascending by the windows to . . . (ad stuprandam virginem, I give the Latin which is too obscene to be translated), and oftentimes renders assistance to him in bearing a ladder, in opening the door, or in like manner co-operating, does not sin mortally, if he do that from a fear of great injury, for example, lest he should be badly treated by his master, incur his displeasure, or be expelled from his house'—for, by opening the door, from the context is understood concerning that opening, which is accomplished by force, as Roncagl. de cant. tract 6 in Reg. pro praxi n. 4. post cap. 6. Salmant ibid. n. 74 teach. Only (they say) if he does not open it, another is present who will.'

"Quær. IV. an ex metu mortis vel magni damni liceat famulo subjecere humeros, vel deferre scalam domino ascendi ad fornicandum, vi aperire januam, et similia? Negant *Viva, et Milanti in dict. prop. 51. P. Concina t. 2. pag. 280. Salm. n. 75. Croix*

"Query IV.—Whether from fear of death, or of great loss, it may be lawful for a servant to stoop his shoulders, or to bring a ladder for his master ascending to commit fornication, to force open the door, and such like? *Viva* and *Milanti* deny it in dict.

lib. 2. num. 244. et alii, quia, ut dicunt, tales actiones nunquam licent, utpote intrinsece malæ. Sed contradicunt Busemb. infra n. 68. Sanch. dict. c. 7. 22. et Less. 1. 2. cap. 16. n. 59. quorum sententia spectata ratione mihi probabilior videtur.”—(p. 182. t. 2. n. 66. cap. 2. ibid.)

prop. 51. P. Concina t. 2. pag. 280. Salm. n. 75. Croix lib. 2. num. 244, and others, because, *as they say*, such actions are never lawful, inasmuch as they are intrinsically evil. BUT Busemb infra n. 68. Sanch. dict. c. 7. n. 22. and Less. 1. 2. cap. 16. n. 59. SPEAK THE CONTRARY, WHOSE OPINION, APPROVED OF BY REASON, APPEARS TO ME THE MORE PROBABLE !!!”

Here, then, the question is asked, if a servant in danger of suffering great loss by not complying, may, by bringing a ladder, subjecting his shoulders, or forcing open the door, assist his master in committing the crime of assault upon a female; some doctors think that this is unlawful, but *Liguori, supported by a long list of names, maintains that more probably it is LAWFUL.*

He then, according to his usual mode of reasoning, endeavours to justify the servant in so acting, by maintaining that it is material (not formal) co-operation, and therefore not a concurrence in the sin. A servant then in fear of death or of great loss, may, according to the *sainted Liguori*, aid his master in committing fornication by forcing open a door or by rearing a ladder. *This, forsooth, is no sin, because only a material, not a formal co-operation!*

In Query VI. these points are briefly summed up as conclusions:

“5. Ad ea opera, quæ propinquius se ad peccatum habent, aut juvant, v. gr. subjicere humeros, admovere scalas hero per fenestram ascendentis ad concubinam, deferre litteras amatorias ad meretricem, comitari ad duelum etc. communis ratio fumulatus non sufficit, sed exigunt majorem necessitatem, et causam, ut licite

“As to those works which bear a close relation to, or may aid sin, viz., to submit the shoulders, to apply ladders for a master ascending through a window to a concubine, to bear love letters to a harlot, to accompany a master to a duel, &c., the mere reason of servitude does not suffice, but they require a greater necessity and

fiant, v. gr. periculum gravis, aut saitem notabilis, damni, si detrectent; *ibid.* (*Sed vide dicta mox supra ex n. 66.*)"—(p. 183. t. 2. n. 69. cap. 2. *ibid.*)

These principles again and again he urges. He maintains that it is lawful to let houses to usurers and harlots :

"8. In civitatibus, in quibus id vitandi majoris mali causa permissum est, licet domum locare usurario (excipit tamen jus alienigenam), et meretricibus; maxime si alii conductores desint, nisi tamen meretrices graviter nocerent vicinis honestis, vel ob situm ansam majorem darent peccatis. *Sanchez lib. 1 mor. cap. 7. Bon. l. c. (Ita etiam Salmant. tract. 21. cap. 8. num. 65. cum Trull. Vasques, Prado, Leb. et Viva, cum Suar. Less. Azor. et aliis communiter.)*"—(*ibid.*)

I ask, how could persons, blameless in life, regard harlots in any other light than as a nuisance. Liguori, however, supposes otherwise, and, alas! even in Rome, such houses have been licensed by Papal authorities!

13. "Nautæ, et aurigæ catholici in Hollandia, etiam sine gravi metu, si absit prava intentio, licite vehunt annonam ad castra hæreticorum, si adsint alii, qui illis cessantibus, facerent: quia, nisi id faciant, excludentur omni lucro tanquam osores boni publici. *Vide Less. lib. 2. c. 19. Sanch. l. 1. c. 7. Fill. t. 22. cap. 5.*"—(p. 186. t. 2. n. 75. *ibid.*)

cause, THAT THEY MAY BE DONE LAWFULLY; for example, the danger of great or at least notable loss, if they should refuse."

"In states in which it is allowed, for the sake of avoiding greater evil, it is lawful to let a house to one that practises usury (however justice excepts a foreigner), and to harlots; especially if other tenants are wanting, unless, however, the harlots would grievously annoy neighbours of good repute, or, on account of the situation of the house, would afford a greater opportunity of sinning."

"Catholic (Roman) sailors and charioteers, in Holland, even without great fear, if they have not a depraved intention, may lawfully convey provisions to the camps of heretics, IF OTHERS ARE PRESENT, who if they (the Romanists) refused, WOULD SUPPLY THEIR PLACE, BECAUSE, UNLESS THEY DID IT, THEY WOULD BE EXCLUDED FROM ALL GAIN AS HATERS OF THE PUBLIC GOOD!"

Thus, Romanists may lawfully convey provisions to an heretical camp, if others, on their refusal, are willing to comply, and this is to be done simply for selfish motives, lest, as antisocial, they should be excluded from privileges; but, if others are equally unwilling with the Romanist to supply the camp with provisions, then, to use a common phrase, the Romanist will leave the heretic in the lurch!

I would now briefly sum up the obnoxious principles which Liguori teaches on the subject which we are considering.

I. A Romanist may permit his neighbour to be ruined, by *not* taking away the occasion of offence, if he think that a good will be accomplished thereby – the good of the Church is the most absorbing of all interests!

II. A man may not only *not* take away, but *even afford* the occasion of stealing to his children or servants, to accomplish a good!

III. A man may not only not take away, but even afford the occasion (“*ansam*”) of committing adultery to his wife, for the sake of trying her virtue, if suspected. For that purpose he may introduce the adulterous villain. Oh women of England, hear this!

IV. A man may co-operate materially in the sin of another, for a just cause!

V. A servant, if in danger of his life or great loss, may accompany his master to a brothel!

VI. Sailors and charioteers, for the same reason, may convey a concubine to their master!

VII. A servant may do likewise.

VIII. He may force open a door, rear a ladder, and yield assistance with his shoulders to his master, “*per fenestram ascendi concubinam.*”

IX. It is lawful to let houses to immodest and immoral persons!

X. It is lawful to persuade a man determined to commit a sin, to perpetrate a smaller offence in lieu thereof. Thus, a confessor should induce a man determined to commit murder, to commit adultery; or a man determined to commit adultery, to commit fornication!

Alas, how awful are these principles! They are scarce fit even for perusal, and I would not, under ordinary circumstances, even mention those things which are “done of them in secret.” But shall Rome delude millions of mankind, and

in England hide her revolting features beneath the mask of peculiar sanctity ; shall she even lay claim to holiness as a mark of her divine origin, and shall not her real principles be exhibited in the light of day, and the mask which she wears be torn aside, that men may behold her in her real character ? " What is done of them in secret must be proclaimed on the house tops." Popery regains its political power in England : Throughout the towns, the villages, and the hamlets of Great Britain Popery is extending its religious or rather anti-religious and immoral influence, and shall those who know her character and her real principles be silent, when the signs of the times demand a bold and fearless witnessing for God and his truth ? Popery is essentially immoral, as even the exposure already made serves to prove, and all who value even the temporal well being of mankind should labour for its overthrow. Oh how different is the morality of the Bible ! The religion of Jesus will make no compromise with sin, nor will it, under any circumstances, or for the accomplishment of any good, recognise and adopt the principle of doing evil that good may come. The believer is taught in the Bible to abhor all and every co-operation and contact with sin.—" Have no fellowship," says the Apostle, " with the unfruitful works of darkness, but rather reprove them."—(Eph. v. 11.) " The grace of God that bringeth salvation, hath appeared unto all men, teaching us that denying ungodliness and worldly lusts, we should live righteously, soberly, and godly in this present evil world," " who (Christ) gave Himself for us that He might redeem us from *all iniquity*, and purify unto Himself a peculiar people, zealous of good works."—(Titus ii. 11, 12.)

It is unnecessary to quote largely from the Scriptures, to shew that the principle of doing evil for any intent, even to save life, is unlawful ; for in every page these sacred writings denounce all co-operation, indulgence in, and contact with sin. To touch not the unclean thing is the Christian's duty. " He that committeth sin is of the devil, for this purpose the Son of God was manifested, that he might destroy the works of the devil."—(1 John iii. 8.) No marvel that Popery is the enemy of the Bible, for Popery hates and shuns the light of God's truth. Truly the Christian has need to pray for the enlightenment of the poor Romanist, who is the victim of so unscriptural a system.

CHAPTER VII.

CURSING.

IN my published lecture on “the tendency of Romanism to destroy man’s best interest even in this world,” I gave a passage from Liguori, shewing that he does not consider the cursing of insensible creatures, in certain cases, to be blasphemy. I now quote more largely on this point, as follows:—

“ Quæritur hic, utrum sit blasphemia maledicere creaturis? Distinguitur, si maledicatur creaturis cum relatione ad Deum, sicut esset maledicere pluviae, ventis, ut a Deo imperatis, vel addito verbo Dei, v. gr. *Managgia il fuoco di Dio* (Vid. *Tamb. et Mazzott.*) certe blasphemia est. Idem dicendum, si maledicatur creaturæ, quæ de se specialem relationem ad Deum habet, uti est animæ nostræ, fidei catholicæ, coelo, et similibus; *vide mox infra.* Secus autem si, indignatio fertur in creaturas sine relatione ad Deum. Ita *comm. Tourn. tom. 3. p. 339. Viva d. quæst. 6. art. 2. n. 7. cum Bonac et Less. ex D. Thom. 2. 2. qu. 76. art. 2.* qui docet: *Maledicere rebus irrationalibus in quantum sunt creaturæ Dei, est peccatum blasphemie: maledicere autem eis secundum se consideratis, est otiosum, et*

“ It is here asked whether it may be blasphemy to curse insensible creatures? We make the following distinctions—if creatures are cursed with relation to God, just as it would be to curse the rain, the winds as commanded by God, or the word of God being added, for example, cursed be the fire of God, (see *Tamb. and Mazzott.*), it is certainly blasphemy. We say the same in case a curse is denounced against a creature which of itself has a special relation to God, as the soul, the Catholic faith, heaven, and such like. BUT OTHERWISE, if indignation is borne against creatures without relation to God—Ita. *Comm. Tourn. tom. 3. p. 339. Viva. d. quæst. 6. art. 2. n. 7. cum. Bonac. et Less. ex D. Thom. 2. 2. qu. 76. art. 2.*—who teaches that to curse irrational things, inasmuch as they are creatures of God, is the sin of blas-

vanum. Hinc ex Viva et aliis non est grave maledicere simpliciter horæ, diei, anno, nisi addatur verbum *santo*, vel nisi de se dies præ se ferat quid speciale sanctitatis, ut dies paschatis, epiphaniæ, nativitatis J. C. pentecostes, ut dicunt *Salm. tr. 21. cap. 3. num. 121. Elbel de 2. Præc. cum Sanch. Laym. Spor. et expressius auctor l. c. (Istruz. per li Conf. di terre etc. p. 142.)*—(p. 279. t. 2. n. 129. cap. 1. de blasph. lib. 4.)

phemy ; but to curse them as they are considered in themselves, is *insignificant and trifling*. Hence, according to Viva, and others, it is *not a SERIOUS MATTER to curse simply the hour, the day, the year*, unless the word *Santo* is added, or unless the day of itself bears some special sanctity above itself, as the Pascal day, the Epiphany, the Nativity of Jesus Christ, the Pentecost—as *Salm. tr. 21. cap. 3. num. 121. Elbel. de 2. Præc. with Sanch. Laym. Spor.* and more expressly the author l. c. (*Istruz. per li conf. di terre, etc. p. 142.*)”

Here Liguori considers it in some cases *no blasphemy* to curse insensible creatures.

CHAPTER VIII.

EQUIVOCATION.

TREATING on the subject of oaths, the *Saint*, in question the fourth, asks, “ WHETHER IT IS LAWFUL TO USE EQUIVOCATION IN AN OATH ? ” — The answer to which involves consequences of a most serious character. Two general reasons for swearing with equivocation are considered :

First, for a just cause.

Secondly, without a just cause.

To swear with equivocation for a good cause, is *lawful*, while *without* a good cause it is only a venial offence, in the estimation of Rome’s approved moralist. In Number 151, he gives the opinion of Sanches, &c., with inverted commas, as follows :

“ Resp. Jurare cum æquivocatione, quando justa causa est, et ipsa æquivocatio licet, non est malum : quia, ubi est jus occultandi veritatem, et occultatur sine mendacio, nulla irreverentia fit juramento. Quod si sine justa causa fiat, non erit quidem perjurium cum saltem secundum aliquem sensum verborum, vel restrictionem mentalem verum juret : erit tamen ex genere suo mortale contra religionem, cum sit gravis irreverentia, ad alterum in re gravi decipiendum, usurpare juramentum. Ita communiter *DD. Sanch. lib. 3. cap. 6. Bon. p.12. Laym. cap. 13.*” — (p. 316. t. 2. N. 151. cap. 2. de jur.—ibid.)

“ To swear with equivocation, when there is a just cause, and equivocation itself is lawful, is NOT EVIL : because where there is a just cause for concealing the truth, and it is concealed without a lie, no detriment is done to an oath. But if it is done *without a just cause*, it will *not indeed be a perjury*, since, according to one sense of the word or mental restriction, he swears true : however it will be OF ITS OWN NATURE a mortal sin against religion, since it will be a great irreverence to take an oath to deceive another in a grave matter.”

Here Sanches, &c., hold that it is lawful to swear with equivocation for a good cause; but without a good cause, such swearing will be “*of its own nature*” a mortal sin. He does not say that it is absolutely a mortal sin, but considers that certain circumstances may render even swearing with equivocation, without a good cause, only a venial offence. *To swear with equivocation for a just cause, according to the Saint, is without any doubt lawful.*

“Ad majorem claritatem pro hic dictis, et dicendis in hac materia tam difficiili, plura sunt distinguenda. Primo loco distinguendum, aliam esse *amphibologiam*, sive æquivocationem; aliam *restrictionem mentalem*.

“*Amphibologia* triplici modo esse potest. I. Quando verbum habet duplē sensum, prout *volo* significat velle, et volare. II. Quando sermo duplē sensum principalem habet, v. gr. *Hic liber est Petri*; significare potest, quod Petrus sit libri dominus, aut sit libri auctor. III. Quando verba habent duplē sensum, unum magis communem, aliū minus, vel unum litteralem, aliū spiritualem, ut verba illa, quae dixit Christus de Baptista: *Ipse est Elias*. Et Baptista dixit: *Ego non sum Elias*. Quo sensu viri spirituales cibos delicatos dicunt ei nocere, id est mortificationi; doloribus afflicti dicunt bene valere, id est quoad robur spiritus. *Cardenas diss.* 19. n. 47. Sic etiam quis interrogatus de aliquo, quod expedit celare, potest respondere, *dico non*, id est dico verbum

“*For the clear understanding of what is said here*, and to be said in this very difficult question, many distinctions are necessary. In the first place we are to distinguish that one is “*double speaking*” or equivocation, and the other is *mental restriction*.

“Double speaking can be used in a threefold manner:— I. When a word has a double sense, for example, *volo* signifies *to wish and to fly*. II. When an expression has a double principal meaning, *as this is Peter's book*, can signify either that Peter is the *owner* or the *author* of the book. III. When words have a double sense, one more common, the other less common, or one literal and the other spiritual, as are these words which Christ spake of the Baptist, ‘he is Elias,’ and the Baptist said ‘I am not Elias.’ In which sense spiritual men say that delicate food is hurtful to them, that is for mortification; those who are afflicted with diseases say that they are very well, that is as far as strength of spirit is concerned.

non. Card. n. 52. de hoc dubitat, sed, salvo meliori consilio, videtur immerito, cum verbum *dico* vere duplarem sensum habeat; significat enim proferre, et asserere, in nostro autem sensu *dico* idem est ac *profero*.

“ His positis, certum est et commune apud omnes, quod ex juxta causa licitum sit uti æquivocatione modis expositis, et eam juramento firmare. Ita Less. l. 2. c. 41. n. 47. Card. diss. 19. n. 35. Salm. tr. 17. de Juram. cap. 2. n. 115. ex S. Hieron. c. 22. q. 2. qui dicit, *Utilem simulationem, et in tempore assumendam;* quod explicans S Th. 2. 2. q. 111. art. 1. ad. 2. ait: *S. Hieronymus utitur largenomine simulationis pro quacumque fictione.* Ratio, quia tunc non decipimus proximum, sed ex justa causa permittimus, ut ipse decipiatur, ex alia parte non tenemur ad mentem aliorum loqui, si justa causa subsit. Justa autem causa esse potest quicunque finis honestus ad servanda bona spiritui, vel corpori utilia. Salm. *ibid.* n. 109. cum Val. Sanch. Pont. et Leand.”—(ibid.)

Cardenas diss. 19. n. 47. Thus also he who is interrogated concerning anything which it is expedient to conceal, can answer *dico non*, that is I say the word *non*. Card. n. 5. 2. doubts concerning this; but, in the absence of better counsel, UNDESERVEDLY it appears since the word *dico* truly may have a double sense, for it signifies to make known and to assert, but in one sense *dico* is the same as *profero*. THESE THINGS BEING ESTABLISHED, IT IS A CERTAIN AND A COMMON OPINION AMONGST ALL DIVINES THAT FOR A JUST CAUSE IT IS LAWFUL TO USE EQUIVOCATION IN THE PROPOUNDED MODES, AND TO CONFIRM IT (EQUIVOCATION) WITH AN OATH.

Thus Less. l. 2. c. 41. n. 47. Card. diss. 19. n. 35. Salm. Tr. 17. de jurament. cap. 2. n. 115. ex S. Hieron. c. 22. q. 2. who says “ *That simulation is useful, and on an occasion to be used,* which St. Thomas explaining 2. 2. q. III. art. 1. ad 2, says that *St. Jerome uses the comprehensive term of simulation for any sort of feigning.* The reason is, because on the one hand we do not deceive a neighbour, but permit him to be deceived for a good cause; on the other hand we are not bound to speak so that others may understand us, if a just cause exists. *But a*

just cause is any honest end in order to preserve good things for the spirit, or useful things for the body."

This definition of a just cause is most important.—The Romanist may swear with equivocation, double speaking, and mental restriction, provided that he has a *just cause for so doing*. That just cause is any honest end in order to preserve things good *in a spiritual point of view, or useful in a temporal*. The interest of his Church is more absorbing to the Romanist than even his personal well-being in time. He is taught to swear with equivocation in all these objectionable modes for such causes. Surely, the existence of such a system is dangerous to both the public and social weal.

Now comes the question, whether it is a mortal sin to swear with equivocation, *without such good causes*. It will be seen that in the estimate of Liguori, it is only a venial or trifling offence.

"Utrum autem jurare cum amphibologia, sive restrictione non pure mentali, ut infra, sine justa causa, sit peccatum mortale? Affirmat Viva in prop. 27. damn. ab Innoc XI. item Tol. Ang. Arm. Nav. etc. ap. Sanch. Dec. lib. 3. c. 6. n. 2. Idemque tenet Bus. cum Laym. Sanch. et communi, ut asserit. Sed immerito citat Sanch. et vocat suam sententiam communem, cum oppositam sequitur Sanch. loc. cit."—(p. 317. ibid.)

"But whether it is a mortal sin to swear with double speaking or restriction not purely mental, as below, *without a just cause*. Viva on proposition 27. condemned by Innocent XI. says that it is : also Tol. Ang. Arm. Nav. etc. upon Sanch. Dec. lib. 3. c. 6. n. 2. and the same Bus. holds with Laym. in common as he asserts with Sanches but he *unjustly* cites Sanches and calls his own opinion common with his, whilst Sanches follows the opposite opinion in the place cited."

Here then the question is proposed, Is it a mortal sin to use equivocation, &c., in swearing, without a just cause? Viva, on the proposition condemned by Innocent XI., says that it is a mortal sin. In this he is followed by others; Busembaum teaches the same, and cites Sanches in its support; but Sanches is unjustly cited, (according to Liguori) for he teaches the opposite.

Busembaum holds that it is a mortal sin, but Sanches, in the place cited, holds that it is not. Liguori now quotes other authors, and gives his own opinion, that to swear with equivocation, even *without a good cause*, is only a venial offence.

“Et eamdem tenent Lugo de Fide d. 4. n. 64. Caj. 2. 2. q. 89. a. 6. ad 4. dub. 2. Salm. loc.cit. 2. n. 108. cum Sot. Val. Prado, Hurt. Candido, Leand. etc. item Less. lib. 2. cap. 42. n. 48. Pal. tr. 14. d. 1. p. 7. n. 3. et probabilem putat Bus. n. 170. 3. Ratio hujus probabilioris sententiae est, quia in hujusmodi juramento jam adsunt veritas et justitia: deficit tantum judicium sive discretio, cuius deficientia non est nisi venialis. Nec obstat quod ait Viva, scilicet, quod taliter jurans exercite invocet Deum ad testificandum falsum, ne reipsa invocet ad testificandum verum, juxta suum sensum, quamvis permittat ex justa causa ut alter ex sua incuria, vel inadvertentia decipiatur.”

—(ibid.)

“And the same opinion Lugo de fide. d. 4. n. 64. Caj. 2. 2. q. 89. a 6. ad. 4. dub. 2. Salm. loc.cit. 2.n. 108. cum. Sot. Val. Prado. Hurst. Candido. Leand. etc. also Less. lib. 2. p. cap. 42. n. 48. Pal. tr. 14. d. 1. 7. n. 3. hold and Bus. thinks it probable n. 170. 3.—*The reason* of this more probable opinion is, because in such an oath, already truth and justice are present: only judgment or discretion is wanting, WHICH DEFICIENCY IS ONLY VENIAL. Neither does what Viva say afford any obstacle to this opinion, namely, that a person swearing in such a manner invokes God to witness a falsehood, for he in very deed invokes God to witness what is true according to his own sense, although he permits, for a just cause, that another either through want of care or through inadvertency should be deceived.”

He states that the defect is only one of want of discretion or judgment, and therefore only venial in its offence. We proceed:

“Excipiendum tamen cum Salm. loc. cit. et aliis communiter, nisi hoc fiat in judicio, vel in contractibus. Ex præfata autem sententia infertur,

“However it is to be excepted with Salm in the place quoted, and commonly with others, unless this is done in judgment or contracts. From

quod, ad sic jurandum (præterquam in judiciis, et contractibus), non requiratur causa absolute gravis, sed sufficiat quævis rationabilis causa, puta, ad se liberandum ab importuna, et injusta interrogatione alterius, ut dicunt *Salm. ibid. num. 109. cum. Val. Sanch. Bon. Pal. etc. Roncaglia de Jur. c. 4. q. 2. r. 3. Elbel n. 129.* Hic tamen notandum 1. cum. Ronc. loc. cit. majorem causam requiri ad æquivocandum cum juramento, quam sine illo. Notandum 2. *cum Salm. dict. n. 109,* quod, quo verba majorem occasionem præbent errandi, eo major causa exigatur: unde dicunt, quod, quando verba fere nullam causam præbent errandi, ut sunt verba per se æquivoca, duplice sensum æque habentia, tunc levissima causa excusat.”—(p. 317. t. 2. *ibid.*)

the above mentioned opinion it is inferred that thus to swear (except in judgments and contracts) an absolutely weighty cause is *not* required, but any reasonable cause may suffice, say to free one's self from the importune and unjust interrogation of another, as *Salm. num. 109,* with *Val. Sanch. Bon. Pal. etc. Roncaglia. de jur. c. 4. 9. 2. r. 3. Elbel. n. 129.* say. Here, however, it is to be noted, I. with Roncaglia in the place quoted, that a greater cause is required in equivocating with an oath than without it. It is to be noted, II. with *Salm.* in the said number 109, that in whatever case words afford a greater cause of erring, in that a greater cause is required; whence they say, that when words afford almost no cause of erring, as are words equivocal in themselves, having equally a double sense, then the most trifling cause may excuse.”

A man engaged in judicial proceedings or in contracts, may not, *without a good cause*, swear with equivocation, but with a good cause, the interest of the Church for example, he may. In other matters, however, if he swear with equivocation, even when there is not a good cause, he only sins venially.

Liguori now defines the meaning of mental restriction. He says that there is restriction purely mental (pure mentalis), and restriction not purely mental—the former can not be used, the latter can. Having said that restriction purely mental can not be used, and proved his statement by reference to propositions condemned by Innocent XI., he considers restriction not purely mental. He says :

“ E contrario licitum est, justa causa uti restrictione *non pure mentali*, etiam cum juramento, si illa ex circumstantiis percipi potest.”—(p. 318. t. 2. n. 152. *ibid.*)

He endeavours to prove this by passages of Scripture, which he perverts, and cites a long list of authors in support of his view. He says that even the *most strict moralists* have accorded with the principle. Even Thomas adopts it, saying :

“ *Non est licitum mendacium dicere ad hoc, quod aliquis alium a quocumque periculo liberet; licet tamen veritatem occultare prudenter sub aliqua dissimulatione, ut Augustinus dicit in lib. contra Mendac.*” (p. 319. t. 2. *ibid.*)

Restriction, purely mental, or that which is altogether incapable of being understood, is not lawful ; but restriction, not purely mental, or that of which it is possible, even in the smallest degree, that it can be understood, IS LAWFUL.

Having proved the lawfulness of mental restriction, he considers a number of cases which fully exemplify the wickedness of these principles :

“ Hinc infertur I. Confessarius affirmare potest etiam juramento, se nescire peccatum auditum in confessione, subintelligendo, *ut hominem*, non autem *ut ministrum Christi*, ut docent S. Th. 2. 2. 9. 70. art. 1. ad. 1. *Lug. disp.* 22. (qui tamen n. 75. explicat alio modo illud verbum *nescire per scientiam, quæ utilis sit ad respondendum.*) Item Sporer de *Præc.* n. 119. et Elbel de *Jur.* n. 149, cum aliis communissime. Ratio, quia interrogans non habet

“ *On the contrary it is lawful* for a just cause to use restriction, not purely mental, even with an oath, if it can be understood from the circumstances.”

“ It is not lawful to tell a lie for this purpose, that any one should deliver another from any danger—*however, it is lawful prudently to conceal the truth under SOME DISSIMULATION*, as Augustin says in his book against lying.”

“ Hence it is inferred, That a confessor can affirm, EVEN WITH AN OATH, that he does NOT KNOW A SIN HEARD in confession, by understanding, *as man, not as the minister of Christ*, as St. Thomas 2. 2. 9. 70. art. 1. ad. 1. *Lug. disp.* 22. teach (who, however, n. 75. explains in another manner that word that he does not know it through a knowledge which is useful for answering.) So also Sporer. de *Præc.* et Elbel n. 149. with others most generally. The

jus, nisi ad sciendam notitiam communicabilem, qualis non est illa confessarii. Et hoc etiam si aliter interroget, an audierit ut minister Christi. *Lug. num. 66. Viva in prop. 17. Innoc. n. 3. et 13. Ronc. de. 2. Præc. c. 4. Reg. prax. num. 2. et Elbel de Jur. n. 130.* cum aliis. Quia confessarius semper censendus est respondere ut homo, ut minister Christi non potest loqui. Hinc dicunt *Card. diss. 19. n. 39. in fine, et 67. ac Fel. Pot. de Jur. n. 1734.* quod, quoties tenetur quis occultare infamiam alterius, licite dicat, *Nescio, scilicet, non habeo scientiam utilem ad respondendum; sive non scio tanquam manifestabile, ut Card. cum Lugo d. loc. n. 43. et 44.* Et si quis temere petat a confessario, an audierit tale peccatum in confessione, bene potest respondere: *Non audivi, scilicet, ut homo, vel ad manifestandum, Card. cum. Lug. n. 66.*"—(p. 319. t. 2. n. 153. ibid.)

reason is, because he who interrogates, has not a right to be informed of a matter unless that matter is communicable, *such is not the knowledge of the confessor.* And *this also* is true, if otherwise he should ask him *whether he heard it as a minister of Christ.* *Lug. num. 66. Viva in prop. 17. Innoc. n. 3. et 13. Ronc. de. 2. Præc. c. 4. Reg. prax. num. 2. et Elbel de jur. n. 130.,* with others. Because the confessor always is understood to answer as man, he cannot speak in his capacity as minister of Christ. Hence *Card. diss. 19. n. 39. in fine et 67. ac. Fel. Pot. de jur. n. 1734, say that* when any one is bound to conceal the infamy of another, **HE MAY LAWFULLY SAY, I DO NOT KNOW IT**—that is to say, I have not a knowledge which is useful for answering, or I do not know it so as to make it known. And if any one rashly should ask from a confessor whether he may have heard such a sin in confession, he can rightly answer, **I HAVE NOT HEARD IT**, that is to say, *as man*, or so as to manifest it."

THUS A CONFESSOR MAY ABSOLUTELY SWEAR THAT HE HAS NO KNOWLEDGE OF A SIN REVEALED TO HIM IN THE CONFES-
SIONAL! HE MAY SAY, "I HAVE NOT HEARD IT." "NON AUDIVI."—*Here is the principle of equivocation, mental reservation, and double speaking carried out, for the confessor answers as man, not as the minister of Christ.* He says, "I

have not heard it," understanding thereby, I have not heard it *as a man, or so as to make it known to another.* Here is absolute perjury ! perjury too, of which Rome unblushingly is the advocate and the teacher ; here is restriction not purely mental, carried into practice. Surely this is sufficient to shew that the division of mental restriction, first, into that which is purely mental, and, secondly, into that, which though mental is not purely such, is a distinction in practice without any difference.

But to proceed to other instances of equivocation and mental restriction :

“ II. Reus, aut testis, a judece non legitime interrogatus, potest jurare, se nescire crimen, quod revera scit ; subintelligendo, nescire crimen, *de quo legitime possit inquire*, vel nescire *ad deponendum.*”

“ Ita Caj. Opusc. tom. i. tr. 31. r. 5. Sporer de 2. Præc. c. 1. n. 120. et 121. Azor. tom. 1. l. 11. cap. 4. Ronc. de 2 Præc. c. 4. q. 2. r. 3. Sanch. Dec. l. 3. c. 6. num. 23. et 26. cum Navarr. Tolet. Val. etc. ex eodem D. Thom. 2. 2. qu. 69. art. 1. Idem, si testis ex alio capite non teneatur depolare; nempe si ipsi constet crimen caruisse culpa, *ut Salm. tr. 17. c. 2. n. 159. et Elbel n. 145.* Vel si sciat crimen, sed sub secreto, cum nulla præcesserit infamia, *ut Card. ibid. n. 51.*”—(ibid.)

“ The accused, or a witness not properly interrogated, CAN SWEAR that he does NOT know a crime, which in reality he does know, by understanding that he does not know the crime, concerning which legitimately he can be inquired of, or that he does not know it so as to give evidence concerning it.”

“ Thus Caj. Opusc. tom. 1. tr. 31. n. 5. Sporer de 2. Præc. c. 1. n. 120. et 121. Azor. tom. 1. l. 11. cap. 4. Ronc. de 2. Præc. c. 4. q. 2. r. 3. Sanch. Dec. l. 3. c. 6. num. 23. et 26. cum Navarr. Tolet. Val. etc. ex eodem D. Thom. 2. 2. qu. 69. art. 1. The same is true if a witness on another ground is not bound to depose; for instance, if the crime appear to himself to be free from blame, as Salm. d. c. 2. n. 259. et Elbel. n. 145. Or if he know a crime which he is bound to keep secret, when no scandal may have gone abroad, as Card. ibid. n. 51.”

Here then the accused or the witness is authorized to tell lies. When he considers that he is not justly interrogated; he may deny that he is aware of certain crimes, which, however, at the same moment he is well acquainted with; the same also may be done by a witness, if *he* think that the crime of which the accused is charged, is unblameable, or if he were bound to secrecy. But to proceed :

“ Reus tamen, vel testis, vel legitime a judice interrogatus, nequit ulla æquivocatione uti, quia tenetur justo præcepto superioris parere. Est communis. *Salm. c. 2. n. 146. cum Sot. Less. Sanch. etc. cum Bus. n. 2.* Et idem dicendum de juramento in contractibus onerosis, quia alias injuria alteri irrogaretur, *Salm. ibid.* Excipe in judicio, si crimen fuerit omnino occultum; tunc enim potest, imo tenetur testis dicere reum non commisisse. *Tamb. c. 4. § 2. n. 4. cum Card. et Pot. ut sup.* Et idem potest reus, si non adest semi-plena probatio, etc. *Tamb. § 3. n. 2. cum communi;* quia tunc judex non legitime interrogat.”
—(p. 320. t. 2. n. 154. *ibid.*)

“ However the accused, or witness, or one legitimately interrogated by a Judge, can not use any equivocation, because he is bound to render obedience to the just commands of his superior. This opinion is common to *Salm. c. 2. n. 146.* with *Sot. Less. Sanch.* and others, with *Bus. n. 2.* And the same is to be said concerning an oath in important contracts, because if it were not so, another would suffer injury, *Salm. ibid.* Make an exception in a trial where *the crime is altogether concealed.* For, then *he can, yea, the witness is bound to say, that the accused did not commit the crime.* And the same course the accused can adopt, if the proof be not complete, etc. *Tamb. 3. n. 2. cum communi;* because then the Judge does not legitimately interrogate.”

It appears that when the crime is altogether concealed, and it is probable that no ill rumour will be the consequence, the witness may, nay he is bound to say, that the accused did not commit it.

Liguori now proceeds to answer various queries; here we shall find the principle of swearing with equivocation carried into practice and exemplified.

“ Sed quæritur hic l. an, si

“ But here it is inquired, I.

talis reus, vel contrahens æquivoce jurando decepit, possit absolvi, nisi veritatem manifestet? Negant aliqui non improbabiliter, sed probabilius affirmant *Sanch. Dec. l. 2. c. 7. n. 8. et Salm. c. 2. n. 147. cum Philiarch.* quia tali juramento (quod perjurium nequit dici) non peccavit contra justitiam commutativam, sed contra legalem, et obedientiam judici debitam, cuius præceptum detegendæ veritatis transiens est, duratque solum, dum judex interrogat. Idemque dicit *Sanch. ibid.* de teste mentiente. Et ideo uterque absolvi potest, quin veritatem revelet. Tenenter vero ambo alteri satisfacere si possunt alia via. At si non possint, dicunt *Salm. ibid.* teneri eos denuo in judicio detegere veritatem. Sed etiam excusarem si omnino essent impotentes ad satisfaciendum in præsenti, et in futuro."—(p. 321. t. 2. n. 155. *ibid.*)

if such an accused person, or one, who making a contract, deceives by swearing with equivocation, may be absolved unless he makes known the truth? Some not improbably answer in the negative, but *more probably* *Sanch. Dec. l. 2. c. 7. n. 8. et Salm. c. 2. n. 147. cum Philiarch.* SAY THAT HE CAN BE ABSOLVED, because in such an oath (WHICH CAN NOT BE CALLED A PERJURY) he has not sinned against commutative justice, but against legal justice, and due obedience to a Judge whose command of unfolding the truth is *transient, and only lasts while* the Judge interrogates. And the same thing Sanches says in the same book concerning a lying Witness. And, therefore, each of them can be absolved, but he should reveal the truth. But both are bound to render satisfaction to the other, if they are able in another way. But if they are not able, *Salm.* says, that they are bound again to make known the truth in trial. *But I would even excuse them,* if they were altogether unable to make satisfaction for the present or even the future."

Here Liguori teaches that the man, who in making a contract deceives another by swearing equivocally, may be absolved; such an oath is not a perjury. The contractor too, if he be unable to fulfil the debt, is excused.

"Quæritur 2. an reus legi-

"It is asked 2. WHETHER

time interrogatus possit negare crimen, etiam cum juramento, si grave damnum ex confessione ipsi immineat."

THE ACCUSED LEGITIMATELY INTERROGATED, CAN DENY A CRIME, EVEN WITH AN OATH, IF THE CONFESSION OF THE CRIME, WOULD BE ATTENDED WITH GREAT DISADVANTAGE."

Mark now the answer which the *Saint* gives to this important question.

" Negat *Elbel.* n. 44. cum *D. Th. d. art. 1. ad 2.* et quidem probabilius, quia reus tenetur tunc pro communi bono damnum illud subire. Sed satis probabiliter *Lugo de Just.* d. 40. n. 15. *Tamb. lib. 3. c. 4.* § 3. n. 5. cum *Sanch. Viva q.* 7. art. 4. n. 2. *Sporer de Præc.* c. 1. num. 13. item *Elbel dict. num. 144. Card. in Propt. Innoc. XI. diss. 19.* num. 78. cum *Nav. Less. Sa.* et *Fill.* et aliis plurib. dicunt, posse reum, si sibi immineat poena mortis, vel carceris, aut exilii perpetui, amissionis omnium bonorum, triremium, et similis, negare crimen, etiam cum juramento (saltem sine peccato gravi) subintelligendo, *se non commisisse, quatenus teneatur illud fateri*, modo sit spes vitandi poenam: ratio, quia lex humana non potest sub gravi obligare homines cum tanto onere. Additque *Elbel* hanc sententiam, licet minus probabilem, insinuandam tamen esse reis et confessariis, ut liberentur illi a culpa gravi, in quam facillime incident, si ad confessionem cri-

" *Elbel* denies that he can cum *D. Th. d. art. 1. ad 2.* and indeed more probably because the accused is then bound for the general good to undergo the loss. But SUFFICIENTLY PROBABLE *Lugo de Just.* d. 40. n. 15. *Tamb. lib. 3. c. 4.* § 3. n. 5. cum *Sanch. Viva q.* 7. art. 4. n. 2. *Sporer de Præc. c. 1. num. 13. item Elbel dict. num. 144. Card. in Propt. Innoc. XI. diss. 19.* num. 78. cum *Nav. Less. Sa.* et *Fill.* with MANY OTHERS, SAY, that the accused, if in danger of death, or the prison, or perpetual exile,—the loss of all property—the danger of the galleys, any such like, CAN DENY THE CRIME EVEN WITH AN OATH, (at least without great sin) by understanding that he did not commit it so that he is bound to confess it, only let there be a hope of avoiding the punishment. The reason is, because human law can not lay men under so great an obligation with so severe a penalty. And *Elbel* adds that this opinion, although less probable, should be suggested

minis obstringentur. *Vid. dicenda l. 4. n. 274.*"

"Poenitens, interrogatus a confessario de peccato confessio potest jurare, se non commis-isse, subintelligens illud, quod confessus non sit. Ita Carden. diss. 19. n. 48. Salm. num. 118. in fin. Sanch. lib. 3. cap. 6. num. 14. Spor. de 2. Praec. cap. 1. n. 105. Hoc tamen intelligendum, nisi confessarius juste interroget ad nos-cendum statum poenitentis, ex prop. 58. damn. ab Inn. XI."

"Indigens bonis absconditis ad sustentationem, potest judici respondere, se nihil habere. Salm. n. 140. Pariter haeres, qui sine inventario oc-cultavit bona, si non teneatur ex illis satisfacere creditoribus, potest judici respondere, se nihil occultasse, subintelligens de bonis, quibus satisfacere teneatur. Salm. loc. cit. et Ronc. c. 4. reg. 2. in Praxi."

"Qui mutuum accepit, sed postea satisfecit, potest negare, se accepisse mutuum, subintel-ligens, ita ut debeat solvere. Salm. n. 140. et Sporer de 2

to the accused and confessors, that they may be delivered from great blame, in which they would easily fall, if they should be bound to the confession of the crime."

"A Penitent, interrogated by a Confessor concerning a sin confessed, can swear that he did not commit it, under-standing that which he may not have confessed. Thus Carden diss. 19. n. 48. Salm. num. 118. in fin. Sanch. lib. 3. cap. 6. num. 14. Spor. de 2. Praec. cap. 1. n. 105. However this is to be understood according to the condemnation of the proposition 58. by Innocent XI., unless the Confessor justly interrogates for the purpose of knowing the state of the Penitent."

"A poor man, absconding with goods for his support, CAN ANSWER THE JUDGE THAT HE HAS NOTHING. Salm. n. 140. In like manner a master who has concealed his goods without an inventory, if he is not bound to settle with his creditors from them, can say to a Judge, that he has not con-cealed anything, in his own mind meaning those goods with which he is bound to satisfy his creditors."

"He who receives a loan, but afterwards returns it, can deny that he received a loan, understanding so as that he should pay it. Salm. n. 140. et

Præc. c. 1. n. 122. cum Suar. Nav. Az. Laym. Sanch. Cov. et aliis. Sic pariter, si quis fuerit coactus ad matrimonium potest judici asserere etiam cum juramento, *se non contraxisse*, scil. *libere*, ut par erat; *Tol. lib. 4. c. 21. Laym. c. 14. n. 8. Nav. in c. Humanæ aures 22. q. 5. et Spor. loc. cit.* qui idem ait de eo, qui irrita sponsalia initit. Pariter qui matrimonium promisit, sed inde non teneatur ad illud, potest negare promissionem, scilicet, *ut ex illa teneatur. Salm. n. 140.*"—(p. 321. t. 2. n. n. 156, 157, 158, 159. *ibid.*)

Sporer de 2. Præc. c. 1. n. 122. cum Suar. Nav. Az. Laym. Sanch. Cov. et aliis. Thus, likewise, if any one may have been forced into matrimony, he can assert to a judge, even with an oath, that he did not contract marriage, to wit, *freely*, as it was fit; *Tol. lib. 4. c. 21. Laym. c. 14. n. 8. Nav. in c. Humanæ aures 22. q. 5. et Spor. loc. cit.*, who says *the same thing* concerning a man who has entered into marriage which is null and void. Likewise he who hath promised marriage, but thence is not bound to marriage, can deny the promise, that is, *so as to be bound by it. Salm. n. 140.*"

This is strange doctrine as taught by Liguori. I would ask, how can he who makes a promise of marriage feel himself not bound by that promise? However the principles of equivocation and reservation impose such limitations and restrictions—are in fact so dishonest, that we can scarce consider any promise as binding upon the Romanist. We proceed with other examples.

"*Qui venit de loco falso putato infecto, potest negare se venire ex illo, scilicet ut pestilenti, quia hæc est mens custodum. Salm. n. 141. Less. cap. 42. n. 47. Sanch. Dec. lib. 3. cap. 6. n. 35. et Sporer, loc. cit. n. 140. cum. Tol. Nav. Suar. Henr. Rod. etc.* Imo hoc admittunt *Tol. Less.* et alii plures ap. *Spor. etiamsi ille celeriter transisset per locum infectum, modo sit certus*

"*He who comes from a place falsely supposed to be infectious, can deny that he came from that place, to wit, as a pestilent place, because this is the mind of the inquirers. Salm. n. 141. Less. cap. 42. n. 47. Sanch. Dec. lib. 3. cap. 6. n. 35. et Sporer loc. cit. n. 140. cum Tol. Nav. Suar. Henr. Rod. etc. Yea, Less. Tol. and many others admit this, although he should*

nil se luis contraxisse; quia posset intelligi, non venisse eum, ut ab ipso periculum sit timendum: sed huic ego non omnino acquiesco. Admittunt etiam *Salmant.* dict. loc. cum *Bus.* quod, si quis a fure vi obligetur ad promittendam pecuniam cum juramento, possit subintelligere, *Dabo, si tibi debuero, secluso juramento;* quia dicunt promissionem illam ex circumstantiis posse admittere talem amphibologiam. Pariter uxor, cui constet matrimonium esse nullum, potest judici, vel confessario, qui alias non vellet eam absolvere, promittere cum juramento, se cohabitaram cum viro, etsi non intendat, intelligens de cohabitatione licita. *Salm. dict. n. 141.*"

speedily pass through an infected place, only he should be certain that he did not catch any infection; because it could be understood that he did not so come, that danger might be apprehended from him: but to this I do not altogether acquiesce. Also, *Salmant.* with *Bus.* in the cited place, admit that if any one should be compelled by force by a robber, to promise money with an oath, he may understand, *I will give it, if I shall be debtor to thee, the oath being apart;* because they say that that promise, from the circumstances, may admit of such double-speaking. Likewise a wife, to whom matrimony appears to be null and void can promise with an oath to a judge or confessor, who otherwise might not wish to absolve her, that she would live with her husband, although she *may not intend it,* meaning in her own mind, lawful cohabitation."

" He that is asked by a judge, whether he may have spoken with the accused, can deny it, understanding that he did not so speak to him, as to co-operate in the crime. A canonical person, who is obliged to secrecy, can swear that he manifested nothing, if truly he revealed none of those things, which under a weighty penalty he was bound to conceal. Thus *Salm. n. 142.* who

" Rogatus a judice, an sit locutus cum reo, potest negare, intelligens se non locutum fuisse ad cooperandum criminis. Canonicus, obligatus ad secretum potest jurare, se nihil manifestasse, si vere nihil eorum quæ sub gravi tenebatur celare, manifestavit. ita, *Salm. n. 142.* qui asserunt, hæc omnia passim obvia esse apud omnes auctores. Pariter *Less. c. 52. num. 48. cum Alex.*

Bart. etc. qui eligendus est in officium, interrogatus, an habeat aliquod impedimentum, potest negare, si revera illud non sit tale, quod impedit.”

asserts that all these things are everywhere obvious amongst all authors. In the same manner, Less. c. 52. num. 48. cum Alex. Bart. and others say that he who is chosen to fill an office, being interrogated whether he has any impediment, can deny that he has impediment, if that is not such as may impede.”

“ Pariter, si quis invitatus interrogetur an sit bonus cibus, qui revera sit insipidus, potest respondere esse bonum, scilicet *ad mortificationem*. *Carden. diss.* 19. n. 74. Sic etiam dicunt *Card. num.* 76. et *Croix lib.* 3. pag. 1. n. 302. licite proferri cæremonias : *Oscular manus, etc.* *Offero me famulum etc.* quia ex communi usu accipiuntur, ut verba materialia, prolatæ tantum ad honorem. Licitum est etiam celare veritatem cum causa ; v. gr. si quis petat a te pecuniam, potes respondere: *utinam haberem!* vel *Gauderem habere etc.* *Card. diss.* 19. n. 53.”

“ Likewise, if any one being invited as a guest, be asked whether the food is good, which in truth is unsavoury, he can answer *that it is good, to wit for mortification*. *Carden. diss.* 19. n. 74. Thus also *Card. num.* 76. and *Croix lib.* 3. pag. 1. n. 302. say that lawfully ceremonies may be introduced. I kiss hands, etc. I offer myself as a servant, etc., because they are accepted according to common use, as material words adduced only for honour. Also it is lawful to conceal the truth when there is a cause; viz. *when any one seeks money from thee, you can answer, Oh, that I had it, or I would delight to have it, etc.*, *Card. diss.* 19. n. 53.”

“ Sed quæritur 1. an creditor ex instrumento possit asserere cum juramento, nihil sibi solutum, si revera sit pars soluta, sed ipse ex alio capite habeat creditum, quod probare non possit? Respondetur posse, dummodo non juret eam quan-

“ But it is asked, 1. whether a creditor can assert by a deed with an oath, that nothing was paid to him, though a part was paid; but he may have credit on another account, which he may not be able to prove? We answer *that he can*, provided

titatem sibi deberi ex illo instrumento, ne aliis creditoribus anterioribus damnum inferatur. *Ita Salm. cap. 2. n. 143. cum Sanch. Pal. Leand. etc.*"

"*Quæritur 2. an adultera possit negare adulterium viro, intelligens, ut illi revelet? Potest æquivoce asserere, se non fregisse matrimonium, quod vere persistit. Et si adulterium sacramentaliter confessa sit, potest respondere: Innocens sum ab hoc crimine, quia per confessionem est jam ablatum. Ita Card. diss. 19. n. 54.* Qui tamen hic advertit, quod nequeat id affirmare cum juramento, quia ad asserendum aliquid sufficit probabilitas facti; sed ad jurandum requiritur certitudo. Sed respondeatur, quod ad jurandum sufficiat certitudo moralis, ut diximus supra, *dub. 3. n. 147. cum Salm. c. 2. num. 44. Less. Sanch. Suar. Pal. et communi. Quæ certitudo moralis remissionis peccati potest quidem haberi, quando quis bene moraliter dispositus recepit poenitentia sacramentum.*"—(p. 322. t. 2 n. n. 159, 160, 161, 162. *ibid.*)

he does not swear that that quantity was due to him on that deed, lest other former creditors might incur loss. *Ita Salm. cap. 2. n. 143. cum. Sanch. Pal. Leand. etc.*"

"It is asked, 2. whether an adulteress can deny adultery to her husband, understanding that she may reveal it to him? She is able to assert equivocally, that she did not break the bond of matrimony, which truly remains. *And if sacramentally she confessed adultery, she can answer, I AM INNOCENT OF THIS CRIME, BECAUSE BY CONFES- SION IT WAS TAKEN AWAY.* So Card. diss. 19. n. 54. who, however, here remarks, that she cannot affirm it with an oath, because in asserting any thing the probability of a deed suffices, but in swearing certainty is required. *To THIS IT IS REPLIED, THAT IN SWEARING, MORAL CERTAINTY SUFFICES, AS WE SAID ABOVE,* *dub. 3. n. 147. cum Salm. c. 2. num. 44, Less. Sanch. Suar. Pal.* and in common. *Which moral certainty of the remission of sin can indeed be had, when any, morally well disposed, receives the sacrament of penance.*"

A woman, then, who commits adultery, when accused of the crime, may equivocate by saying that she did not break the bond of matrimony, which continues even still; but if she think that such equivocation may be detected, then having

repaired to the confessional, told the crime in all its details to her confessor, and secured the priest's benediction and absolution, on the promise of penance to be performed, she may unblushingly come forth to the world, and say, "*I am innocent,*" yea, confirm it with an oath—Rome assuring her that the sin was remitted and taken away by confession, absolution, and penance! What a system of wholesale lying! Here Rome dupes the injured husband, and enables his wife, with all the confidence that religion can inspire, to assert her innocence, when, nevertheless, the marriage bed is defiled, despite of the declaration, "*Whoremongers and adulterers God will judge.*" "*O tempora, O mores!*"

Liguori continues the same subject—

"Ad quæsitus vero dicunt Salm. n. 144. cum Soto, non posse feminam adulterium negare, quia esset pura restrictio mentalis : Card. tamen n. 60. admittit, in periculo mortis licere uti metaphora, quæ communis est in Scrip. ubi adulterium sumitur pro idolatria, ut ex Ezech. 23. 27. Quia adulteratæ sunt . . . et cum idolis fornicatæ sunt. Imo, si crimen sit vere occultum, probabiliter, cum Bus. infra, art. 4. et Less. Trull. ibid. ac Sanch. lib. 3. Dec. cap. 2. n. 42. cum Sot. Sayr. et Arag. potest mulier negare cum juramento, et dicere: Non commisi ; eodem modo, quo reus potest dicere judici, non legitimate interroganti, Crimen non commisi, intelligendo, se non commisisse ita, ut teneatur ei manifestare ; ut Tamburin. ex comm. c. 4. § 3. n. 1. et 2. Et Viva q. 7. art. 4. n. 2."—(p. 323. t. 2. ibid.)

"But in answer to the question, Salm. n. 144. with Soto, say that a woman cannot deny adultery, because it would be purely mental restriction : Cardenas, however, n. 60. admits that, in danger of death, it is lawful to use a metaphor which is common in Scripture, where adultery is taken for idolatry, as in Ezech. 23. 27, because they committed adultery and were guilty of fornication with idols. Yea, if the crime be truly concealed, probably, with Bus. infra. art. 4. et. Less. Trull. ibid. ac. Sanch. lib. 3. Dec. cap. 2. n. 42. with Soto, Sayr. et Arag. a woman can deny with an oath, and say, I did not commit the crime; in the same way that the accused can say to his judge not legitimately interrogating, I did not commit the crime, understanding, that he did not so commit it, that he is bound to manifest it to him, as Tamburin, &c."

Liguori holds that a woman may deny the crime of adultery upon another principle—she may say, I have not committed it, understanding, by mental restriction, that she did not commit it so as to reveal it. Admirable casuistry—or rather, I should say, base and dishonourable lying! Rome, as if anxious to conceal the adulteress in her guilt, affords various “refuges of lies.”—

“Quæritur 3. an requisitus ad mutuandum, possit jurare se non habere pecuniam, quam revera habet, intelligendo, se non habere, *ut ad mutuum præstet?* Negant Salm. n. 145. cum Sot. Henr. Ratio, quia, illa restrictio ex circumstantiis percipi nequit. Sed hoc intelligendum, si veritas nullo modo percipi possit; nam si posset conjici ex aliqua circumstantia, nempe paupertatis, vel indigentiae mutuatarii, bene posset ipse intelligere, Non habeo superfluum, ut possim mutuare. Ita Roncagl. de 2. Præc. cap. 4. reg. 2. in praxi, Viva. q. 7. a. 4. n. 2. cum Sanch. Bon. Sylv. etc. Card. diss. 19. n. 48. cum Suar. et Lug. de Poenit. disp. 23. sess. 4. n. 74. qui. sic docent: (Qui habet unum panem sibi necessarium, *vere revere respondet, se nullum habere ei, qui petit panem commodatum: quia nullum habet, quem commodare possit, de quo solo ille interrogat.*) Et idem dicit Card. n. 73. de pecunia petita, si domino sit necessaria.”—(p. 324. t. 2. n. 163. cap. 2. ibid.)

“It is inquired, 3—whether he who is required to give money in loan, can swear that he has not the money, when, in reality, he has it, by understanding that he has it not so as to lend it? Salm. n. 145. cum Sot. Henr. deny that he can. The reason is, because that restriction is incapable of being understood from the circumstances. But this is to be understood, if the truth in no manner can be perceived, for if it can be apprehended from some circumstance, to wit, of poverty, or the indigence of the money-lender, he can well understand—I have not a superfluity of money, so as that I can lend it. Ita Roncagl. de 2. Præc. cap. 4. Reg. 2. in praxi. Viva q. 7. a. 4. n. 2. cum. Sanch. Bon. Sylv. etc. Card. diss. 19. n. 48. cum Suar. et Lug. de Poenit. disp. 23. Sess. 4. n. 74. who thus teach: (he who has one loaf necessary for himself may truly answer that he has none for him who seeks bread as a loan, because he has none which he can give him, concerning which alone he interrogates). And

the same Card. says, n. 73, concerning money sought which is necessary for the master."

Liguori teaches that a man from whom money is asked as a loan, may deny that he has any, if that denial is at all capable of being understood. Some doctors do not go so far as Liguori in this, but *he is the approved*, the canonized, the invoked, and yet he affirms that a man may say that he has not money when the contrary is the fact. In the Bible there is a woe denounee against him " who loveth and maketh a lie."

"Quæritur 5. an famulus ex jussu domini possit negare, ipsum esse domi? *Card. diss. 19. n. 75.* admittit, ipsum posse figere pedem in lapidem, et respondere, *Non est hic;* quia non est restrictio mentalis: sed huic non assentior, si alter nullo modo possit id advertere. Potius concederem, eum posse dicere, *Non est hic,* scilicet non in hac janua, vel fenestra; vel (ut ait Cont. Tourn. de Relig. part. 2. cap. 3. art. 5. in fine). *Non est hic* quatenus videri possit. Item ait Carden, posse cum respondere, *Egressus e domo est,* intelligendo in *præterito;* non enim tenemur, ait cum Less. ut supra, respondere ad mentem interrogantis, si adsit justa causa. Secus, si ille rogetur, an hoc mane dominus egressus sit, ut *Croix lib. 1. p. 1. n. 184.* Sic etiam *Card. n. 72.* ait de viro nobili, qui est in lecto, posse respondere famulum, eum esse foris, scilicet, eum esse remotum a consortio, ut ex usu loquendi solet intelligi."—(p. 325. t. 2. n. 165. ibid.)

"It is asked, 5—Whether a servant, by the order of his master, can deny that he is at home? *Card. diss. 19. n. 75.* admits that he can feign his master's foot on the step, and answer, *He is not here;* because it is not mental restriction: but to this I do not assent, if the other can by no means understand that. RATHER I WOULD CONCEDE that he can say, HE IS NOT HERE, THAT IS TO SAY, NOT IN THIS DOOR OR WINDOW, or (as Cont. says, *Tourn. de Reliq. part. 2. cap. 3. art. 5. in fine.*) HE IS NOT HERE, SO AS THAT HE MAY BE SEEN. Also, Carden says, that he can answer that *he has departed from the house,* by understanding a departure which took place in some time past. FOR WE ARE NOT BOUND, he says, with Lessius as above, TO ANSWER TO THE MIND OF HIM THAT INTERROGATES, IF THERE IS A JUST CAUSE. Otherwise, if he is asked, whether this morning the master may have departed from the

house, as Croix. lib. 1. p. 1. n. 184. Thus also Card. n. 72. says concerning a nobleman who is in bed, that the servant can answer that he is out, to wit, that he is removed from society, as according to the usual mode of speaking, it may be understood."

"Quær. 6—An assumendi ad gradum doctoratus possint jurare cum æquivocatione conditionem requisitam non veram, scilicet, vacasse se tot annis illi scientiæ etc. si tales sint æque idonei ac alii doctores? *Vide Tamb. Dec. lib. 8. cap. 2. § ex n. 11.* qui affirmat, et justam causam ait tunc esse sic jurandi, ne repellantur qui jam digni sunt. Sed quidquid sit de hoc, probabile magis mihi videtur non pejerare doctorandos Neapoli, qui more solito scribunt manu propria in suscipiendo matriculas: *Dico con giuramento essere il primo anno istitutista etc.* cum revera id non sit. Ratio, quia verbum illud *giuro*, sive *dico con giuramento*, ut supra diximus *dub. 3. n. 136. cum Salm. c. 2. n. 24. Bon. Sanch. Suar.* de se non est juramentum, nisi præcedat interrogatio de juramento; sed hæc interrogatio Neapoli vel omnino non fit vel non fit de vero juramento, sed tantum de illa scriptione materiali, quæ ex usu communi videtur non apprehendi ut verum juramentum."—(id. n. 166. *ibid.*)

"It is inquired, 6—Whether they who are about to assume the Doctor's degree, can swear with equivocation the requisite condition though not true, viz. that he was devoted for so many years to that science, etc., if such be as fit as other doctors? *Vide Tamb. Dec. lib. 8. cap. 2. ex. n. 11.* who affirms it, and says that there would be a just cause of thus swearing, lest those who are now worthy might be rejected. But whatsoever may be the case concerning this, it appears sufficiently probable to me, that those who take doctor's degrees in Naples, do not perjure themselves, who in the usual manner subscribe with their own hand in receiving matriculation, *dico con giuramento essere il primo anno istitutista, etc.* WHEN IN POINT OF FACT THAT MAY NOT BE. The reason is, because that word *giuro* (I swear), or *dico con giuramento* (I declare with an oath): as we have said above, *dub. 3. n. 136. cum Salm. c. 2. n. 24. Bon. Sanch. Suar.* is not of itself an oath, unless

the interrogation concerning an oath precedes it, but this interrogation in Naples either altogether is not made, or is not made concerning a true oath, but only concerning that material subscription, which, according to common use, appears not to be taken as a true oath."

Thus Liguori justifies the practice of subscription in *a non-natural sense*, or, in fact, he establishes the principle that a man according to use, may subscribe a declaration which is not true in point of fact!

"Quær. 7.—An possit quis licite coram notario asserere, se accipere pecuniam, quam vere non recipit? Affirmat eum posse *Tamb. ibid. n. 20. et 23.* sensum impropriando, scilicet jurando, pecuniam se pro accepta habere, vel accipere, qui certus sit moraliter, alterum brevi pecuniam sibi fore soluturum. Et videtur probabile ex communi usu loquendi."—(id. n. 167. *ibid.*)

"It is inquired 7—Whether any one may lawfully assert before a notary, that he received money which truly he did not receive? *Tamb. ibid. n. 20. et 23.* affirms that he can, by appropriating the sense, to wit, by swearing that he has or receives money before he actually did accept it, who may be morally certain that another will pay it to him in a short time. And it appears probable, according to the common use of speaking."

If a man be asked for money, he may deceive and equivocate by saying, "*Oh that I had it,*" "*I would delight to have it.*" The man possesses the money, yet he does no wrong in thus equivocating.

"Quær. 8. an liceat jurare aliquid falsum, addendo tamen submissa voce, circumstantiam veram? Affirmat *Hurtad. et Prado cum aliis ap. Salm. c. 2. n. 136. contra Torre,* qui dicunt, quod, ut

"It is inquired 8—Whether it is lawful to swear any false thing, *by adding in a subdued tone the true circumstances?* Hurtad affirms that it is, and Prado, with others ap. *Salm. c. 2. n. 136.* against

locutio sit vera, sufficiat, ut exterius concordet conceptui mentis, sive nutibus, sive voce submissa explicetur, et per accidentem sit, ut alter non audiat. At melius Salm. n. 138. id admittunt, si tamen aliquo modo possit ab altero percipi illa submissa prolatio, licet ejus sensus non percipiatur; secus, si omnino alterum latet."—(id. n. 168. cap. 2. ibid.)

Torre, who say that as the declaration is true, it suffices that it may accord exteriorly with the conception of the mind, or by signs or an under voice may be explained, though *per accidens*, it may happen, that the other does not hear it. But better Salm. n. 138. admits that, if in any manner, that under toned expression is capable of being understood by the other person, *although that sense may not be perceived*; otherwise if the other altogether lies hid."

The important question now comes, if the Romanist can equivocate of his own accord, and though not asked. Liguori having noticed the opinion of a Doctor who says that he can not, gives his own judgment in the following words:

" Probabilius tamen Salm. c. 2. n. 142. in fine cum communissima contrarium dicunt, nempe, quod, quando adest justa causa necessitatis vel utilitatis, possit quis uti amphiboliis in juramento, etiamsi ad jurandum sponte se offerat."—(id. n. 170. ibid.)

" MORE PROBABLY, however, the Salmantenses c. 2. n. 142, in fine with *the most common opinion*, say the contrary, to wit, that when there is a just cause of necessity or utility, *any one can use double speaking in an oath*, ALTHOUGH OF HIS OWN ACCORD HE COMES FORWARD TO SWEAR."

Having quoted the opinion of other Doctors as to the unlawfulness of swearing with equivocation, *without* a just cause, and noticed Sanches' view which he holds to be the most probable one, that he who thus swears only commits a venial offence; he closes his observations on this subject by stating, that while formal simulation is unlawful, material simulation for a just cause is lawful. His words are:

" Simulatio vero *materialis*, scilicet cum quis aliquid agit, non intendens deceptionem

" But material simulation, to wit, when any one does anything, not intending to deceive

alterius, sed aliquem suum finem; hæc est licita cum justa causa."—(327. t. 2. 171. *ibid.*) another, *but only to accomplish some end of his own; this is lawful where there is a just cause.*"

If there is the slightest possibility of the simulation being understood, when the mental restriction is not purely mental, then such a line of conduct is absolutely lawful.

I would now briefly advert to the principles of Liguori on equivocation, by recalling some of the examples which he gives.

1.—A Confessor may swear that he has no knowledge of a circumstance which was made known to him in the confessional!

This perjury is reconcilable with his conscience by various modes of equivocation, some of which are as follow:

He knows the circumstance as Minister of Christ, or as God, not as man.*

He is considered as God *in* the confessional, as man *out* of it. Therefore out of the confessional he is unacquainted with the circumstance.

Again, the Confessor swears, "I know not the circumstance." Within his own mind he says, I have not a knowledge which can be revealed, or is useful for that purpose. Therefore, he may swear that he has no knowledge whatever of the circumstance. If asked whether he heard a certain sin in confession, he may say, "I have not heard it;"—meaning *as man*. Even if the Judge should see through the sophistry and say, Have you then heard it as Minister of Christ, he may answer "*I have not.*"

EQUIVOCATION AND MENTAL RESERVATION.

Because as Minister of Christ he can not speak, he can only speak as man!

II.—An accused or witness, not legitimately interrogated

* Dens, in his chapter on the Seal of the Confessional, says, that a Confessor may deny even with an oath, that he knows a sin which was revealed to him in the confessional; the reason he assigns is as follows.—Because such Confessor is interrogated as man and answers as man; but now he knows not that as man, although AS GOD HE KNOWS IT," Tom. vi. n. 160. Dub. 1832.—For this he quotes the authority of the Angelic Thomas.

by a Judge, can swear that he has no knowledge of a fact which in reality he has a knowledge of.

EQUIVOCATION AND MENTAL RESERVATION.

He does not know it so as to depose concerning it !

III.—Liguori teaches, that very probably a culprit, guilty of a great crime, if he is in danger by the avowal of his guilt, of severe punishment, the gallies, perpetual prison, death, &c., may say that he did not commit it.

EQUIVOCATION AND MENTAL RESERVATION.

He did not so commit it that he is bound to confess it !

IV.—A poor man that absconds with goods which are necessary for his sustenance, may deny to a Judge that he possesses any such goods. Likewise a man of property, who without an inventory has concealed those goods with which he is bound to satisfy his creditors, may swear to a Judge that he has not concealed any.

EQUIVOCATION AND MENTAL RESERVATION.

He has not concealed those goods with which he is bound to satisfy his creditors !

V.—He who receives a loan and afterwards returns it, can deny that he received the loan.

EQUIVOCATION AND MENTAL RESERVATION.

He did not receive the loan so that he is now bound to re-pay it !

VI.—If any one is forced into matrimony, he can afterwards assert to a judge that he did not contract matrimony at all.

EQUIVOCATION AND MENTAL RESERVATION.

He did not contract it WITH HIS CONSENT !

VII.—He who has entered into matrimony which is null and void, may say that he was never married, likewise he who promises marriage, but is not bound by that promise, may deny the promise.

EQUIVOCATION AND MENTAL RESERVATION.

He did not make the promise SO AS TO BE BOUND BY IT !

VIII.—He who passes through a place, without reason, thought to be infected, may say that he did not come from that place.

EQUIVOCATION AND MENTAL RESERVATION.

He did not come from it AS AN INFECTED PLACE!

IX.—A man, asked by the judge whether he has spoken with the accused, may say that he did not.

EQUIVOCATION AND MENTAL RESERVATION.

He did not so speak with him as to co-operate in his crime!

X.—A canonical person who is bound to secrecy, can swear that he told none of those things which were committed to him, though he may have revealed some of them.

EQUIVOCATION AND MENTAL RESERVATION.

He told none of those things which he is bound to conceal UNDER A GREAT PENALTY!

XI.—If a man invited to dinner, be asked whether the food is good or not—though the food is insipid, he may say that it is good.

EQUIVOCATION AND MENTAL RESERVATION.

The food is good FOR MORTIFICATION!

XII.—An adulteress, asked if she committed adultery, may deny her guilt. Here she finds various equivocations whereby to satisfy her conscience.

1.—She did not so commit the crime as to reveal it!

2.—She did not break the bond of matrimony—an equivocal expression!

3.—She is quite innocent of the crime, because it was taken away by *confession, absolution, and penance*. She repairs to the confessional, and the sin being there forgiven, she comes forth *innocent and unspotted*. The Church of Rome conceals her guilt from the husband.

Again, she may say that she did not commit adultery. *Meaning within her own mind, Idolatry*, which in the Bible is called adultery!

XIII.—A man who is asked to lend money, may say that he has no money, when in reality he has!

EQUIVOCATION AND MENTAL RESERVATION.

He has no money for the purpose of lending!

XIV.—A servant asked if his master be at home, may say, “he is not here.”

EQUIVOCATION AND MENTAL RESERVATION.

“He is not here,” meaning he is not *in the doorway or in the window*. The servant may even say that he went out, referring to some *past occasion*. A servant may say of a nobleman who is in bed, that he is out, *to wit, that he is out of the way of business!*

XV.—A man who is about to be admitted to a Doctor's degree, may swear that he was for a certain number of years engaged in certain studies, when in reality he was not. And the Neapolitan doctors who subscribe in a *non-natural sense* are guiltless, because that subscription is *material* only, and from *common use* the obligation of the oath is weakened.

XVI.—A man may swear before a notary, that he received a certain sum of money, which he did not receive.

EQUIVOCATION AND MENTAL RESERVATION.

He is morally certain of receiving that sum VERY SOON!

XVII.—A man may swear a direct falsehood, if he add the truth in an under tone, if that addition is *at all capable* of being heard !

Such are some of the many examples of Romish equivocation and dissimulation which I might adduce ; they are but *examples of the wholesale lying, fraud, perjury, and dishonesty, which Rome not only practises but justifies and teaches.*

Here I cannot refrain from noticing assertions which have been lately made by a Romish advocate when his Church was charged with authorizing equivocation and mental reservation ; I allude to the Hereford discussion, which took place between the Rev. John Venn, a clergyman of the Church of England, and the Rev. James Waterworth, a priest of the Church of Rome. Mr. Venn quoted passages from Sanches, Filiucius, and Reginaldus, in which they authorize equivocation and mental reservation ; these are Jesuit authors, and for the purpose of fastening these opinions upon the Church of Rome, Mr. V. quoted from the Romish Bull, in which it is declared, that “the world with unanimous voice demands the re-establishment of the Company of Jesuits ;” which was accordingly done.

I shall now give the reader the benefit of Mr. Waterworth's reply to the charge.

“Then, it appears, that some divines have maintained that

mental reservations may be permitted. Is this the doctrine taught at Maynooth or not? If the questions of De La Hogue are the true opinions taught at Maynooth, he holds it more probable that he must hold his peace and bear the consequences. The opinions of those who hold that mental reservations may be permitted, are not my opinions, nor are they the opinions of the Catholic Church. *I could not be a Catholic if I held them.* I would beg Mr. Venn's attention to this fact—Innocent XI., in his propositions published in 1679, declares, that this opinion of mental reservation is not to be entertained of any Catholic. He says you must not equivocate or be guilty of mental reservation. He says it is a false, scandalous, and infamous doctrine to hold it. Men had held the doctrine; but it came to be examined by the highest authority in the Church, and it was said that these opinions had been holden, *but that they must be no longer held.* I have here several authors who lived half a century before Innocent XI., who condemned this doctrine. Sanches and Reginald wrote before Innocent XI., and they are condemned. Therefore, the Church of which I am a member, has actually condemned, instead of approving of, this doctrine."—(First day, Hereford Discus., Hereford, 1843.)

This is Mr. Waterworth's statement; he most decidedly maintains—

1. That Innocent XI. condemned all equivocation and mental reservation.
2. That "Sanches and Reginald wrote before Innocent XI., and are condemned."

Hence he draws the conclusion, and boldly says—" *I could not be a Catholic if I held them.*"

These are sweeping assertions, and if true, would indeed acquit the Church of Rome of the charge. Mr. Waterworth would have us believe that Innocent XI. condemned all equivocations, and that since his time *no one could be a Catholic and hold these sentiments.*

Here I would observe an important point in passing—Mr. Waterworth denies the charge brought by Mr. Venn; his righteous soul burns with indignation at the thought—that his Church could teach such scandalous opinions as these—opinions which are anti-social and sinful. Equivocation then, and mental reservation, are sinful according to this Roman divine; and this is an important admission, for Reginaldus, Sanches, Filiucius, and a host of others say that they are *not* sinful.

And what will my readers think if it appear that Rome, ever since the time of Innocent XI., Rome in the 19th century, aye, and Innocent XI. too, maintain the lawfulness of equivocation and mental reservation! If such should appear, then as a matter of fact, Mr. Waterworth denounces the principles of his own Church as sinful and scandalous; if he be honest, let him abandon it. The proof of my position, that Rome in the 19th century holds the lawfulness of equivocation and mental reservation, is so evident and obvious, that the reader of the preceding pages must at once perceive it; but before I proceed to this point, I would first notice Mr. Waterworth's great argument, so great that he boldly says—" *I could not be a Catholic if I held them*"—the principles of equivocation and mental reservation. His argument is, that Innocent XI. condemned these principles, and in proof of the assertion he quotes Bailly, Dens, &c. We now take Dens as an example.—

“ *Ex uno discere omnes.*”

I have already said that the views of Dens', though bad enough, (so bad, that Romanists are ashamed of them) are yet not equal, in point of wickedness, to those of Liguori, who is the APPROVED, THE CANONIZED, and THE INVOCATED! Now, Mr. Waterworth's great argument is this—that, since the propositions of Innocent XI. no Roman Catholic could hold the principles of equivocation and mental reservation. He quotes Dens, but he absolutely omits an important portion of the sentence; and why? because Dens, in that omitted portion says that, since the propositions, these principles have been held, though Mr. Waterworth asserts that no Romanist *could* hold them. Let us look at Mr. Waterworth's garbled passage in juxtaposition with the whole sentence, and judge of the assertion and the fair play of the learned disputant—his assertion that no Catholic could hold these obnoxious sentiments, and his fair play in leaving out the latter part of the sentence:—

Dens—

“ Observe here, that Lessius, Suaresius, and others, who wrote before the condemnation of the above mentioned

Dens, as quoted by Mr. W.

“ Observe here, that such writers” (that is, Lessius, Suares, and others, who wrote before the condemned proposi-

propositions, are to be read cautiously. Nay SOME MORE RECENT are to be avoided, who secede from the condemned doctrine, as far as they are obliged by the letter or the express case, *retaining INDEED THE SAME PRINCIPLES*; but they who are better taught by the highest Pontiffs ought to know and understand that in the condemned propositions the principles themselves are reprobated."—(p. 192. t. 4. *ibid.*)

Now Dens is an infamous writer—the world has heard of his obnoxious principles—yet Dens, as I have said, is not so bad as Liguori in some points. Dens, however, is an insignificant authority, when compared with that saint, as will be seen by and bye. Mr. Waterworth's point is this—that, since the condemnation by Innocent XI., no Roman Catholic could hold equivocation and mental reservation. He quotes Dens, *but he leaves out the passage in which it is said, that since the condemnation by Innocent XI., these principles have been held in Rome; for the simple reason, that if he had read the passage to the end, it would have completely annihilated his whole argument.*

He quotes Liguori on the subject of oaths, as a great authority. He says—"Liguori teaches (and he has just been canonized) that under no circumstances, even if the Pope or Council were to attempt it, can they exonerate an individual from an oath made to a third person."

This assertion of Mr. W.'s, as to Liguori, I will shew, by and bye, to be utterly false; but I now quote the passage to prove that Mr. W. knows something of Liguori, "just canonized," which are his own words. Now, then, Liguori, "*just canonized,*" *teaches equivocation and mental reservation.* Mr. W. says, "*I could not be a Catholic if I held them.*" Yet **LIGUORI, "JUST CANONIZED," HOLDS THEM!**

But Mr. W. says these principles are condemned by the proposition of Innocent XI. I say that equivocation and mental reservation are *not* condemned by that Pope. Mr. W.

tions of Innocent XI.) "are to be read with caution."

availed himself of the subtle distinction which Rome makes in reservations, and to which I have already alluded, even that of restriction *pure mentalis* and restriction *non pure mentalis*. This distinction I have already noticed.

Liguori says that restriction purely mental is not lawful, and he quotes the propositions of Innocent XI.; but he says that restriction not purely mental *is lawful—is not condemned by the propositions of Innocent XI.*; for that proposition only speaks of reservation purely mental. How utterly false, then, is the assertion of Mr. W., that all equivocations are condemned by Innocent XI.; for, as a matter of fact, *Liguori shows that the equivocations and mental reservations, of which he approves, are not condemned by Innocent XI.* How utterly groundless is his assertion that Sanches, called by Liguori “*the most learned and pious,*” Lessius, &c., &c., are condemned; for Liguori, the approved, the canonized, and the invocated, quotes their opinions, approves, in most instances, of their views, and sometimes even goes further than these authors in maintaining obnoxious principles.

Mr. Waterworth, speaking of equivocation and mental reservation, says, “I could not be a Catholic if I held them;” and yet that very gentleman bends his knee in suppliant prayer, and entreats that, “*taught by the admonitions of Liguori,*” he may reach the shores of heaven. Reader, turn back a few pages—for a moment consider the sentiments which Liguori teaches on equivocation, and then judge of the veracity of this assertion. Mr. W. says, “I could not be a Catholic if I held them;” and yet Liguori, of whose works the Church of Rome has pronounced that they contain “not one word worthy of censure,” holds these sentiments. *Is Liguori a Catholic?* But I would, for the sake of clearness, sum up what I have proved.

I.—Mr. W. says that the propositions of Innocent XI. condemn all equivocation. I have shewn, from Liguori himself, that these propositions only apply to reservation, “*pure mentalis.*” The equivocations which Liguori gives are *not condemned.* *They are lawful.*

II.—Mr. W. affirmed that Sanches, Lessius, &c., were condemned. I have shewn that Liguori, the approved moralist of Rome—*approved IN THE NINETEENTH CENTURY*—maintains their views, and sometimes even goes beyond them.

III.—Mr. W. affirmed that no Catholic, since the proposi-

tions of Innocent XI., could hold such principles; and, when he quotes a passage from Dens, he leaves out the latter part of the sentence, for therein Dens says that “*more recent authors have held the same opinions.*”

IV.—Mr. W. says, “I could not be a Catholic if I held them”—a palpable untruth, for *Liguori holds them!* and *Rome has pronounced of his sentiments, that they are not worthy of censure.*

V.—*Mr. W. himself prays to God that he may hold the principles of equivocation,* which he has pretended, equivocally, it may be, to abjure. For on a certain day in the year HE BESEECHES GOD THAT HE MAY BE TAUGHT BY THE ADMONITIONS OF LIGUORI!

Rome, then, without any doubt, holds these sentiments as her present, as well as past, views; yet her advocates, who want to throw a mantle over her deformities, have denied the fact. *In that very denial there are dissimulation, equivocation, and mental reservation!*

I should not have noticed the Hereford discussion, but that it affords a recent instance of misrepresentation on the part of the Romish pleader. I do not attempt, however, to improve the able argumentation of the Rev. John Venn, to whom Protestants owe a debt of gratitude for his valuable defence, but merely make these observations *en passant.*

CHAPTER IX.

O A T H S.

THE question proposed by Liguori is “What and how great is the obligation of a promissory oath?” to which he gives the following reply :

“ Resp. 1. Juramento promissorio duæ affirmantur veritates: una de præsenti primaria, quod scilicet jurans habeat animum implendi quod promittit; altera secundaria de futuro, quod scilicet impleturus sit suo tempore, quod promittit: sive promittat Deo, et est votum cum juramento; sive homini, et est jurata promissio humana. Unde oritur obligatio implendi, si rationabiliter possit. Ita communiter *DD. Layman. lib. 4. tom. 3. cap. 6. Bon. pag. 7.*

“ *Unde resolves.*

“ 1. Defectu primæ veritatis jurans vere peccat mortaliter, si vel non habeat animum implendi, sive materia sit parva, sive magna, licita, sive illicita: vel si dubitat, an facturus sit, necne, quod jurat; vel si putet sibi moraliter impossibile, ut implete quod promittit: quia, quoad istam veritatem præsentem, promisorium ab assertorio non dif-

“ In a promissory oath two truths are affirmed, one primary concerning the present, to wit, that he who swears has the mind of fulfilling what he promises—the other secondary, concerning the future, to wit, that he is about to fulfil what he promises in due time: whether he promises to God, and it is a vow with an oath; or to man, and in this case it is a human promise, confirmed by an oath. Whence arises the obligation of fulfilling, if reasonably it can be done. Thus the doctors generally teach, *Layman. lib. 4. 3 tom. cap. 6. Bon. pag. 7.* Whence you conclude—He that swears with the defect of the first verity truly commits mortal sin, either if he has not the purpose of fulfilling, whether it be a small matter or great, lawful or unlawful—or if he think it morally impossible that he can fulfil what he promises; because, as to that present verity, the thing pro-

fert; unde nec parvitas materiae excusat." — (*Peccat quidem graviter qui promittit aliquid cum juramento, putans impossibile, ut impleat. Ita hic Busemb. Sed addendum cum Salmant. tr. 17. c. 2. punct. 5. § 2. n. 49. cum Azor, Suar. Fag. Leand. etc. Secus esse, si probabilem rationem habeat implendi.*) — (p. 328. t. 2. n. 172. cap. 2. ibid.)

Liguori having said that he sins grievously who promises anything with an oath, thinking it impossible that he should fulfil it—that on the other hand he does not sin who swears with the probable hope of fulfilling the promise, proceeds :

"Quæritur, quale peccatum sit juramentum promissorum fictum, et ad quid obliget? Distinguo: tripliciter potest quis fictè promittere cum juramento: I. sine animo jurandi; II. sine animo se obligandi; III. sine animo implendi. I. Si quis juret *sine animo jurandi*, peccat quidem, et ex prop. 25. damn. ab Innoc. XI. quæ dicebat: *Cum causa licitum est jurare sine animo jurandi, sive res sit levis, sive gravis.* Ratio, quia tunc illudit divino testimonio. An autem hic peccet graviter? Respond. affirmativè, si juret sine animo implendi promissionem; si vero cum animo implendi, peccat tantùm venialiter, ut communissime dicunt Sanch. Dec. lib. 3. cap. 6. n. 10. Ronc. de Juram. cap. 4. q.

mised does not differ from the thing asserted—whence neither does the smallness of the matter excuse.'

"It is asked, how great is the sin of a feigned promissory oath, and how far its obligation extends? I distinguish : any one can promise with an oath feignedly in a threefold manner : I. without the mind of swearing ; II. without the mind of binding himself ; III. without the mind of fulfilling. I. If any one swears without the mind of swearing, he sins indeed, even according to the twenty-fifth proposition condemned by Innocent XI., which said—When there is a cause, it is lawful to swear without the mind of swearing, whether the matter be small or great. The reason is because then he mocks the divine testimony. *But whether in this case does he sin grievously?* We answer in the affirmative,

1. r. 3. *Tamb. de Juram. lib. 3. c. 3. §. 2. n. 4. Elbel de Jur. n. 120. Mazzott. eod. tit. c. 3. q. 3.* Rectè vero excipiunt, si juramentum fiat in contrac-
tibus, vel coram judge: quia tunc, licet non sit perjurium, est tamen gravis deceptio contra justitiam.

“ II. Si autem jurat *sine animo se obligandi*, sed cum animo implendi, *Caj. 2. 2. quæst. 89, art. 6, Croix lib. 3. p. 1. n. 2. 9. item. S. Anton. Nav. Scotus, Tambur. et alii communius ap Sanch. loc. cit. n. 5.* tenent, hunc peccare mortaliter, tum quia, sic jurans, falso significat, se habere intentionem se obligandi, quam vere non habet; tum quia, ut sentit Croix tanquam probabilius, videtur gravis irreverentia adducere Deum in testem, et nolle ejus testimonio obstringi. Sed valde probabiliter idem *Sanch. n. 7. Tamb. n. 6. Elbel n. 21. Rensi de Juram. p. 125. et Ant. a Spir. S. cui adhæret Ronc. loc. cit. r. 4.* tenent, hunc non peccare nisi venialiter. Ratio, quia taliter jurans, cum habeat animum implendi, quamvis non intendat se obligare, ex una parte non jurat falsum, quia asserit verum de voluntate præsenti, ex alia parte, cùm hic voluntatem non habeat se ullo modo obligandi ex vi juramenti, de cuius intrinseca ratione est inducere obligationem religionis, revera

if he swears without the mind of fulfilling the promise; if with the true mind of fulfilling, *he only sins venially*, as Sanch. Dec. lib. 3. cap. 6. n. 10. Ronc. de juram. cap. 4. q. i. r. 3. *Tamb. de juram. lib. 3. c. 3. § 2. n. 4. Elbel. de jur. n. 129. Mazzott, eod. tit. c. 3. q. 3.* commonly teach. But rightly they make an exception, in case the oath is made in contracts, or before a judge; because then, *although it is not perjury*, it is however a grievous deception against justice.

“ II. But if he swear *without the mind of laying himself under an obligation*, but with the mind of fulfilling. *Caj. 2. 2. quæst. 89. art. 6. Croix. lib. 3. p. 1. n. 2. 9. item. S. Anton. Nav. Scotus. Tambur.* and others more commonly upon Sanch. in the place cited n. 5. hold that he sins mortally—first, because thus swearing, he signifies falsely that he has the intention of laying himself under an obligation, which truly he has not; next, because, as Croix thinks, as it were more probably, it appears a great irreverence to adduce God as a witness, and be unwilling to be bound by his testimony. But very probably Sanch. n. 7. *Tamb. n. 6. Elbel. n. 21. Rensi de juram. p. 125. et Ant. a Spir. S. to whom Ron-*

non jurat, ut ex communi dient *Salm. tract. 17. c. 1. punct. 1. §. 3. n. 19. Elbel loc. cit. Sporer in 2. Præc. cap. 1. n. 134. etc.* et ideo jumentum hoc idem est, ac si factum sit sine animo jurandi, quod non est nisi veniale, quando verum asseritur, ut supra dictum est.”—(ibidem.)

caglia adheres in the cited place R. 4. hold *that he only sins venially*. The reason is because, swearing in such a manner, when he has the mind of fulfilling, although he does not intend to lay himself under an obligation, on the one hand, he does not swear falsely, because he asserts the truth concerning his present will; on the other hand, when he has not the will of laying himself under an obligation in any manner by the force of an oath, the very nature of which is to induce the obligation of religion; in reality he does not swear, as *Salm. tract. 17. c. 1. punct. 1. §. 3. n. 19. Elbel. loc. cit. Sporer. in 2. Præc. cap. 1. n. 134. etc.* say according to a common opinion: and moreover this oath is the same as if made, without the mind of swearing, which is only a venial offence when he swears the truth as is said above.”

Here most important principles are stated. A man takes an oath, and though with the intention of fulfilling the promise, yet without the intention of laying himself under an obligation by virtue of the oath to fulfil it. The question is proposed, Does that man sin grievously or only venially? Antoine, Scotus, and others answer that he sins mortally, and two very just reasons are alleged. I. Because he, by the very act of taking the oath, leads those who administer it to suppose that he lays himself under an obligation to keep its requirements. II. Because it is a great irreverence to adduce God as a witness of the oath, when the man who swears is unwilling to be bound by it. But Liguori, Sanches, Ron-

caglia, &c., think that he is only guilty of a venial offence, and in fact *does not swear at all*—the oath is not a true one. Now comes the important question whether he who swears without the intention of laying himself under an obligation, is bound to keep the oath?

“An autem sic jurans cum animo jurandi, sed sine animo obligandi, teneatur ad servandum juramentum?

Prima sententia negat, tum, quia hujusmodi juramentum fuit invalidum, ut supra; tum, quia Deus juramenta promissoria non acceptat, nisi juxta jurantium intentionem, *ex c. Humanæ aures, qu. 5.* ubi dicitur: *Divina judicia talia foris nostra verba audiunt, qualia ex intimis proferuntur.*”—(p. 329. t. 2. n. 172. *ibid.*)

Liguori quotes a host of authors who hold this view. St. Bonaventure, Antoine, Sylvius, Roncaglia, &c., and say that it is *a common opinion*. He also quotes St. Thomas as favourable to it, who says:

“*Si autem simpliciter juret absque dolo, tunc in foro conscientiae non obligatur, nisi secundum suam intentionem.*”—(*ibid.*)

Again,

“*Si autem jurans dolum non adhibeat, obligatur, secundum intentionem jurantis.*”—(*ibid.*)

The meaning of swearing without deceit is defined in the following words of Liguori:

“*Is autem jurat sine dolo* (ut dicit *Elbel.* n. 218. *cum*

“But whether he who thus swears with the mind of swearing, but without the mind of binding himself is bound to observe the oath?

The first opinion denies that he is obliged to keep it, both because such an oath is invalid, as said above; and because God does not accept promissory oaths unless according to the intention of those who swear, *ex c. Humanæ aures, qu. 5.* where it is said: *the divine mind hears our words in the sense with which they are spoken within.*”

“But if simply he swear without craft, then in the court of conscience, he is only bound according to his own intention.”

“But, if in swearing he does not admit deceit, he is bound according to his own intentions.”

“But he swears without deceit, (ut dicit *Elbel.* n. 218.

Ills.) qui jurat alicui nullum jus habenti ex justitia ad rem promissam."

A man who swears without the intention of binding himself, is not obliged to keep the oath according to these Doctors. But the second opinion affirms that he is bound to observe it !

Secunda tamen sententia affirmat teneri eum ad servandum juramentum. Hanc te-
nent Less l. 2. cap. 42. num.
37. (licet vocet oppositam val-
dè probabilem) Cajet. 2. 2. q.
89. art. 7. Suarez cap. 7. Sot.
lib. 8. q. 1. art. 7. item Valent.
Sayr. Fill. Arag. ap. Bonac.
tom. 2. d. 4. q. 1. p. 7. n. 3.
et Renzi de Juram. p. 115.
quæst. 5. Ratio, quia qui jurat
cum animo jurandi, jam verum
juramentum emittit, et ideo
tenetur efficere, ad servandam
reverentiam divini nominis, ut
verum evadat, quod jurat; nec
potest a juramento separare
obligationem implendi promis-
suum, cum obligatio oriatur ex
ipso juramento, de cuius natura
est, ut effectum habeat, quod
juratur, ne vocetur Deus in
testem falsitatis. Et in hoc
apparet differentia inter votum,
seu contractum, et juramen-
tum; nam in illis obligatio pen-
det ab intentione voventis vel
contrahentis, in juramento au-
tem ex vi ipsius juramenti."
 —(p. 330. t. 2. ibid.)

cum Ills.) who swears to any
*one *not having a just right to**
the promised thing."

" However the second opinion affirms that he is bound to observe the oath. Less. (although he calls the opposite very probable) l. 2. cap. 42. num. 27. Cajet. 2. 2. q. 89. art. 7. Suarez cap. 7. Sot. lib. 8. q. 1. a. 7. item Valent. Sayr. Fill. Arag. ap. Bonac. tom. 2. d. 4. q. 1. p. 7. n. 3. et Renzi de Juram. 115. quæst. 5. hold this second opinion. The reason is, because he who swears with the mind of swearing, now takes a true oath, and, therefore, is bound to use all diligence (in order to preserve a reverence for the name of God) that the truth which he swears may come to pass ; neither can he separate the obligation of fulfilling the promise from the oath, since the obligation arises from the oath itself, the nature of which is that it should have the end which is sworn, lest God should be adduced as a witness of falsehood. And in this appears the difference between a vow or contract and an oath ; for in these the obligation rests upon the intention of

him that vows or contracts ; but, in an oath, it arises from the force of the oath itself."

Such are the answers to the question, whether an oath taken with the mind of swearing but without the mind of binding is obligatory. Many Doctors say that it is not binding, *this is the first opinion*; others say it is binding, now we come to the opinion of Liguori himself. *He* says :

" Utraque sententia est probabilis, sed prima est probabilior : nam ratio hujus secundæ sententiæ supponit ut certum, tale juramentum sine animo se obligandi emissum, esse verum juramentum. Attamen probabilius est, et commune, ut asserunt *Salm. c. 1. n. 19. cum aliis ut supra, et etiam Viva in proposit. 25. Innocent XI. num. 13. (contra Less. dict. num. 37.)* quod hujusmodi juramentum non sit verum juramentum : tum, quia caret conditione necessaria ad naturam juramenti promissorii, qualis est animus se obligandi ; tum, quia juramentum sequitur naturam promissionis quam confirmat, ut certum est *ap. Bus. n. 280. cum Less. Bon. etc.* At promissio, sine tali animo facta, non est quidem promissio, sed simplex propositum ; ergo, evanescente promissione, evanescit etiam juramentum, et habetur ut factum sine animo jurandi ; quod certe, ut vidimus, nullum est. Si autem nullum existit juramentum, nulla existit obligatio illud implendi."—(ibid.)

" Either of the opinions is probable, BUT THE FIRST IS MORE PROBABLE ; for the reason of the second opinion supposes it as certain that such an oath, made without the mind of binding one's self, is a true oath. But it is a more probable, and common opinion, as Salm. c. l. n. 19. with others as above, and even Viva on proposition 25. of Innocent XI. num. 13. (against Lessius in the mentioned number 37.) assert, that such an oath is not A TRUE OATH—both because it wants the necessary condition to the nature of a promissory oath, such as is the intention of binding one's self: and, because an oath follows the nature of the promise which it confirms, as is certain Ap. Bus. n. 280. cum Less. Bon. etc. But a promise made without such a mind is not, indeed, a promise but simply proposed ; therefore, the promise being evanescent, the oath is also such, and is considered as made without the mind of swearing, which certainly, as we have seen, is

NULL AND VOID. BUT IF NO
OATH EXISTS, THERE IS NO
OBLIGATION OF FULFILLING
THAT OATH."

How fearful are these principles. Liguori teaches that an oath made without the intention of obligation is null and void and need not be observed. 'Tis true that many Doctors whom he cites hold the opposite, nay even Dominus Dens, whose works lie before me, holds that such an oath is binding, but let it be remembered that in the year 1839, the Church of Rome pronounced, after the most rigorous examination, *repeated more than twenty times*, that the Works of our Saint do not contain "one word worthy of censure."

The contrariety of opinion which exists amongst Romish doctors proves this point clearly, that the opinions of Liguori are untenable and objectionable. In the obligation of oaths, Dens, and even Lessius and Suaressius maintain the opposite of Liguori: so indignant was the Gallican Church at such opinions, that in the year 1700 *she condemned* the following proposition,—“He who swears with the intention of not binding himself, is not bound by virtue of the oath,” and yet this very opinion is maintained by the saint. Which then are the *genuine* opinions of the Papacy? I maintain that those of Liguori *are*. The Gallican Church occupies a most inconsistent position, for it has been excommunicated by the Bull “*Coenæ Domini*.” Dens, Lessius, and Suaressius are not so favoured as to be canonized, *nor was the sentence ever pronounced on their works, that they are not censurable in one word*. The sentiments of the Gallican Church, Dens, Lessius, Suares, Bailly, De la Hogue, *are bad enough, yet not half so bad in some points as those of Liguori*. He is the approved—He is the canonized—He is the invoked—approved—canonized, and declared *worthy of invocation, in the year 1839*; and his principles are the genuine principles of Rome, for which *she* is responsible, and by which she must stand or fall.

The Church of Rome is like a house divided against itself. Her own sons disavow her principles, and in many instances absolutely condemn them as objectionable and anti-social. We need not Protestant arguments to convince us, for the assertion of Dens and others clearly demonstrates that the principles of Rome, taught by her approved Liguori, are wicked and anti-

social. Every Romanist prays that he may be *taught by the admonitions of Liguori!*

But to proceed; our Casuist next considers oaths made without the mind of fulfilling, but with the mind of swearing and binding itself—such an oath is obligatory. It is *improbable*, Suaressius says, that it is not binding.

Liguori concludes his consideration of the first defect by saying :

“ Si autem quis injuste cogatur, puta a latrone, ad aliquid promittendum cum juramento, potest licite intendere non velle implere promissum, si relaxationem juramenti obtinuerit. Ita probabiliter *Croix lib. 1. p. 3. num. 278. cum Suar. Sanch. et Diana.*”—
(p. 331. t. 2. n. 172. ibid.)

Here then, if a man considers that an oath is administered unjustly, (the case of the robber adduced by Liguori is a mere example) he can take the oath without the intention of fulfilling it, and that oath will not be obligatory.

On the defect of the second verity he considers various cases. He says, that it is a great question whether the breaking of an oath made about a small matter is to be considered a weighty or a venial transgression. Liguori considers that more probably it is only a venial offence, as follows :—

“ Illud certum est, quod, si ex eo quod jurasti, tantummodo parum aliquid non ser-
ves, non est grave: v. gr. si
jurasti te non bibiturum vinum,
non peccas mortaliter parum
bibendo. *Sanch. t. 1. lib. 4.
c. 32. n. 21.* quia tunc excusat
parvitas materiae; et sic excusantur,
qui jurant servare statuta
alicujus capituli, collegii,
universitatis etc. si postea par-
vum aliquod statutum violent.
Et idem dic de tabellionibus

“ But, if any one is unjustly compelled, *for example*, by a robber, to promise anything with an oath, he can lawfully intend that he does not wish to fulfil the promise, if he may have obtained relaxation of the oath.”

“ It is certain that if you transgress only some small part of what you have sworn, it is not a grievous sin: for example, if you have sworn that you would not drink wine, you do not sin mortally in drinking a very little. *Sanch. t. 1. lib. 4. c. 32. n. 21;* because then the smallness of the matter excuses; and thus they are excused who swear to observe the statutes of some chapter, college, university,

juratis, et aliis ministris justitiæ; ut, et de eo qui ex summa, quam alteri se daturum jurasset, parum tantum detraheret. *Navar. Suar. Sanch. Vide Laym. Bon. p. 13.*

“ Obligaris probabiliter juramento promissorio, etsi extortum a te sit per injuriam, ac metum: ut si oblitus uti æquivocatione, jurasti prædonibus dare lytrum, usurario usuram.”—(p. 333. t. 2. n. 173. *ibid.*)

&c., if afterwards they violate the statutes in some small way. And we say the same concerning sworn public registrars, and other ministers of justice; as also concerning him who, from the SUM WHICH HE SWORE THAT HE WOULD GIVE TO ANOTHER, DETRACTS ONLY A LITTLE. *Probably you are obliged, by a promissory oath, although it may be extorted from you by injury and fear, as if, forgetting to use equivocation, you promised to robbers to give booty, or usury to usurers.*”

The Romanist, however, as I have already shewn, if he takes care to swear without the intention of fulfilling, or with equivocation, has no difficulty whatever in waving the obligation of the oath.

Passing over some less important matters, we come to a startling case of perjury which Liguori authorizes. Having considered certain instances in which it is not lawful to violate oaths *without dispensations*, which however are *all-potent*, he says :

“ Excipe tamen, si jurasses Titiae eam ducere: nam eo casu potes, ea relicita, ingredi religionem; quia juramentum sortitur naturam actus, cui apponitur; promissione autem matrimonii hæc tacita conditio inest, nisi ingrediar religionem. *Vide Laym. c. 6. Bon. d. 4. q. 1. p. 3.*”—(p. 336. t. 2. n. 177. *ibid.*)

“ Nevertheless make an exception, if you have sworn to Titias to marry her: *for in that case you may forsake her*, and enter into a religious order; because the oath regards the nature of the act to which it pertains; but in the promise of matrimony there is this tacit condition, *unless I enter a religious order.*”

Thus a Romanist who has sworn to marry a certain woman, may after all violate the oath and enter a religious order which is bound by the law of celibacy—because all such oaths include

the *tacit* condition, “unless I enter a religious order.” He puts the question,

“Quær. 1. an juramentum non ludendi obliget ad abstinentium etiam a ludo licito, et modicæ quantitatis? Resp. Si juramentum sit factum non ludendi in genere, convenient omnes hoc non obligare ad abstinentium a lusu honesto, et moderato. *Vid. Salm. c. 2. n. 95.* Dubium est, si juramentum expresse et specialiter factum sit abstinendi etiam a ludo licito, et moderato, an obliget.”—(Idem. n. 178. ibid.)

“Whether he who takes an oath not to gamble, is bound to abstain even from lawful gaming and for a moderate quantity? It is answered that if an oath is made of not gambling in general, *all agree* that this does not bind to the abstaining from honest and moderate gaming. See Salm. c. 2. n. 95. *It is doubtful*, whether an oath *expressly* and *specially* made to abstain even from lawful and moderate gaming is binding.”

Here he says that an oath, though expressly and specially taken against all gaming, *is of doubtful obligation*. He gives the opinion of various Doctors, and arrives at the conclusion:

“Hinc, si jurans majus bonum expresse intenderit in abstinendo a ludo, puta, ut Deo vacet, se mortificet, etc. tenetur implere: secus, si, sine tali fine juraverit. *Salm. n. 95. et 103. in fin.* In hoc autem ludo bene potest dari materiæ parvitas, quæ metienda est juxta finem intentionum a jurante. Vide *Salm. n. 98.* Potest etiam talis jurans dare pecuniam alteri ad ludendum, et ipsum observare, et etiam adjuvare, quia hoc propriè non est ludere. *Sanch. 1. 3. Dec. c. 18. n. 4. Bon. t. 2. d. 4. q. 1. p. 16. n. 5. Palaus tr. 16. d. 2. p. 7 num.*

“Hence, if he who swears has expressly intended a greater good in abstaining from gaming, for example, that he may have more time for devotion to God, that he may mortify himself, &c. he is bound to fulfil it. *He is not bound to fulfil it, if he has sworn without such an end in view.* *Salm. n. 95. et 100. in fin.* But in this gaming the smallness of the matter can well be taken into account, which is to be measured according to the end intended by him who swears. See *Salm. n. 98.* *Such a one swearing can also give money to another to gamble, and ob-*

5. et Salm. n. 99. cum Cand.
Trull. Fag. etc. . . .

“ Resp. 2. Juramentum promissorium eamdem habet conditionem, eodemque modo explicandum est, quo promissio, vel propositum, cui est annexum. Ratio est, quia accessoriū sequitur principale; ideoque, quando non obligat promissio, nec obligat juramentum appositum. Less. 1. 2. cap. 42. d. 2. Bonac. d. 4. q. 1. p. 16. Trull. 1. 2. c. 1. d. 17.

Unde resolves.

Titius, qui cum juramento promisit nuptias Bertae diviti, sanæ, virginī, bonæ famæ etc. non tenetur stare juramento, postquam Berta incidit in paupertatem, infirmitatem, fornicationem, vel infamiam; quia promissio ipsa non obligat eo casu. (*Et hoc habetur in c. 25. de Jurejur.*)—(p. 337. t. 2. n. 180. *ibid.*)

serve and even assist him in gambling, because this is not properly to play at game. . . .

“ A promissory oath has the same condition, and is to be explained in the same way as the promise or the purpose to which it is annexed. The reason is because the accessory follows the principal, and, therefore, when the promise does not oblige, neither does the apposite oath oblige—

Whence you resolve, Titius, who with an oath, promised marriage to Berta, rich, healthful—a virgin—of good report, &c. is not bound to keep the oath, forasmuch as Berta has fallen into poverty, infirmity, fornication, or infamy, because that promise does not oblige in such a case.”

According to this statement, if a man promises marriage to a woman who is rich, but afterwards becomes poor, or, to a woman who is healthful, a virgin, and of good report, who afterwards falls into sin and ill fame, he is not bound to marry her. *In the first instance* mentioned by Liguori, that of the rich woman who becomes poor, I conceive that he is decidedly in error.

Let us, however, consider a statement by Mr. Waterworth in his discussion with Mr. Venn. In explaining the doctrine of Rome he gives the following example:

“ But if he promised to marry Anne, for example, expecting to have a large fortune with her, and she turned out to be poor, in such a case *the obligation of the oath would be perfectly binding.*”—(See Herref. Discussion.)

Such is Mr. W.'s statement, but to use his own expression, Liguori "just canonized" teaches that such an oath is *not* binding!

"Qui juravit se servaturum decreta, et regulas, vel statuta alicujus congregationis universitatis, vel capituli, tantum tenetur servare ea, quæ, sunt in vigore, et quatenus sunt in usu, vel servantur a majore parte capituli; nisi tamen aliud constet de mente jurantis, vel hic voluerit se ad illa independenter a statutis obligare. Ratio patet, quia promissio ipsa non aliter obligat. *Trull. l. c. Azor. Less. Dian. p. 2. tr. 6. r. 39.* (*Vid. dicenda n. 181.*)

"In omni autem juramento promissorio, fictione juris, tacite subintelliguntur sequentes conditiones: I. *Si potuero;* quia nemo censemur se obligasse ad rem impossibilem physice vel moraliter, scilicet cum per magna difficultatem non prævisa. Ita *Spor. c. 1. n. 77. Lavm. c. 9. n. 4. Elbel. n. 70.* II. *Salvo jure superiorum, ex. c. 19. de Jurejur.* III. *Si is, cui fit promissio, acceptet, vel non remittat:* hæc enim est præmissionis natura, quam sequitur juramentum. *Elbel ibid.* IV. *Si res non fuerit notabiliter mutata;* vide n. 187. v. Non tenetur. V. *Si et altera pars fidem servaverit:* intellege, si promissio fuerit mutua; *c. 75. de R. J. in 6.*"—(p. 338. t. 2. n. 180. *ibid.*)

"He who swears that he will observe the decrees, and rules, and statutes of any congregation, university, or chapter, is only bound to observe those which are in force, and as far as they are in use or observed by the greater part of the chapter; unless, however, another sense is manifest according to the mind of him who takes the oath, or he may have wished that he should be bound to these independently by the statutes, the reason is manifest, because that promise does not otherwise oblige.—*Trull. l. c. Azor. Less. Dian. p. 2. tr. 6. r. 39.* (*Vid. dicenda n. 181.*)

"But in every promissory oath the following conditions are *tacitly understood*; 1. *If I shall be able,* because no one is thought to have obliged himself to a matter physically or morally impossible, to wit, with any great difficulty not foreseen. Ita *Spor. c. 1. n. 77. Lavm. c. 9. n. 4. Elbel. n. 70.* II. *saving the right of superiors;* *ex. c. 19. de jurejur;* III. if he to whom the promise is made accepts, or does not remit, for this is the nature of a promise, which the oath follows; IV. if the matter may not have been notably changed; V. if also the

other party may have kept the trust : understand if the promise may have been mutual."

The second condition leaves great latitude for the non-observance of oaths—"saving the right of my superior." I would here quote the remarks of the Rev. R. J. McGhee on this reservation, in his excellent work, "the Laws of the Papacy."

"The oaths of these men are always taken under a secret reservation, as they confess, viz. '*salvo jure superioris*,' that is, 'saving the right of my superior,' in other words, saving the right of priests, bishops, and popes. The layman is taught to mean, if my master the priest allows it ; the priest reserves the right of his master the bishop ; and the bishop of his master the pope, who is 'the centre of Catholic unity ;' or, as in this exercise of his centripetal power, the centre of papal perjury, and, indeed, of all papal crime, he is emphatically and literally "*the Man of Sin*." This is clear from all their books, Bailly, Dens, and all their standards of moral theology: and whenever we get practically, any facts on the point, we discover the working of the system ; for as we have seen the Popish members of parliament violate their oath without scruple or ceremony, so we see, when we get at the fact of an appeal to the Pope on this oath, as in the case of the Bishop of Malta, who sent it to him before he would take it, the Pope refuses to approve of it; therefore all obligation of it is relaxed. It was for the interest of the church they should take the oath, that was their duty then, but the perjury now would be to keep it, (3d Lat. Can. 16) for to break it, is their duty now."—(p. 315. Lon. 1841.)

Passing over some matter of no great importance on the subject before us, we read :

"Qui juravit se servaturum secretum, non peccat contra juramentum, illud detegendo, quando non potest illud celari absque gravi suo, vel alterius damno, quia ipsa promissio secreti non videtur obligare, nisi hac conditione *si non noeatur*. * * *

"He who hath sworn that he would keep a secret, does not sin against the oath by revealing that secret when he cannot conceal it without great loss to himself, or to another, because the promise of secrecy does not appear to bind, unless under this condi-

“Qui juravit judici, se dicturum quæ novit, non tenetur revelare occulta. Ratio patet. Less. Bonac. Trull. loc. cit.”—(p. 340. t. 2. ibid.)

tion, if it does not injure me.

“HE WHO HATH SWORN TO A JUDGE THAT HE WOULD SPEAK WHAT HE KNEW, IS NOT BOUND TO REVEAL CONCEALED THINGS. THE REASON IS MANIFEST !!!”

Strange to say, while Rome weakens the obligations of all oaths to serve her own purposes, she can also render them stringent in the accomplishment of sin, as in the following case :

“Quæritur 1. utrum, qui promittit concubinæ eum jumento, aliam non cognitum, teneatur ad illud? Negant *Dian. cum Fagn.* Quia finis talis promissionis fuit pravus, nempe conservandi amicitiam, et quia tale juramentum præberet occasionem permanendi in peccato. Sed affirmant probabilius *Salm. tr. 17. cap. 2. punct. 6. n. 70. cum Sanch. et Prad.* quia ex regula generali impleri debet juramentum semper ac impleri possit sine peccato: occasio autem illa venit per accidens.”—(idem. n. 184. ibid.)

“It is inquired, 1, Whether he who hath promised to an harlot, with an oath, that he would not know any other, is bound to that oath? *Dian. cum Fagn.* deny that he is, because the end of such a promise is wicked, to wit, of preserving friendship, and because such an oath would afford an occasion of continuing in sin. But *Salm. cap. 2. with Sanch. et Prad.* answer with MORE PROBABILITY that the oath should be observed, because, according to the general rule, an oath ought always to be fulfilled, and can be fulfilled without sin; but that occasion comes by accident.”

Passing over dubium VI., we come to dubium VII., in which the question is put :

“In what manner the obligation of an oath is taken away by irritation, dispensation, commutation and remission?”—(p. 343. t. 2.)

The superior has the power of dispensing in oaths, when such is thought desirable—“the superiors of the church in the place of God,” as Dens says.

The British Parliament, hoping to bind the Romish Church, administered certain oaths to Roman Catholic Members of Parliament and others. But these oaths have been practically set at nought to a great extent. The Rev. R. J. McGhee, in his excellent work, "the Laws of the Papacy," quotes the declaration of the Irish Roman Catholic Bishops and Archbishops, and explains, *on their own principles*, how that declaration is capable of being understood. For the purpose of shewing the accordance which exists between Mr. McGhee's solution and the principles of Liguori, I quote thus largely from his work :

THE DECLARATION OF THE BISHOPS.

"The Catholics of Ireland not only do not believe, but they declare upon oath, that they detest as unchristian and impious, the belief that it is lawful to murder or destroy any person or persons whatsoever, for or under the pretence of their being heretics;* and also the principle 'that no faith is to be kept with heretics.'† They further declare, on oath, their belief

* 'But these papal bishops have reserves in abundance on this oath. They detest as impious and unchristian the belief that it is lawful to murder heretics. Now they solve this as Dens solves many difficulties *distinguendo*.

'Lawful, how? By the laws of England? True—they swear truly.

'Lawful by the law of the Decalogue? True—their oath is good.

'But lawful by the laws of Rome, as we meant? O no; they reserve this, and accordingly they secretly teach *Dominum Dens auctorem sequentes*, that heretics are to be put to death, whenever it is expedient for the church to do so; and when they obtain the end of their oath, then they set up the law of their church in Ireland for exterminating Protestants out of their dioceses.—See their *Oaths and Crimes compared*, pp. 99 to 147, and *Letter to Dr. Murray*, pp. 239 to 246. But by whatever system of fraud they sanction the commission of the crime, the proved facts, for which their own documents are now lodged in the Universities, demonstrate their horrid hypocrisy. And when we couple with this the scriptural sanctity with which they seem to address here the men whom they were secretly drilling in the very crimes which they were thus pretending openly to renounce on oath, in the presence of the nation, to impose on Protestants, it really leaves all the history of papal treachery and perjury far at a distance.'

+ 'Now this part of their oath is also true *distinguendo*. Is it their principle that *no faith* is to be kept with heretics? Certainly not; for whenever any covenant is made with heretics which it is the interest of the church to keep with them, then faith is to be strictly maintained. But whenever a covenant is made which it is the interest of the church to break with them, then no faith is to be kept, however sworn, for this would be unfavourable,

that ‘ no act in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever ;’* ‘ that it is not an article of the Catholic faith, neither are they thereby required to believe that the Pope is infallible ;’† and that they do not hold them-

vergeret in deteriorem exitum. Hence piety and the utility of the church demand a dispensation, and those are quite sufficient causes for annulling their promise or oath on any subject.’—See *Bailly and Dens, &c. &c.*

* ‘ Now this they make out true *distinguendo*. No act in itself unjust, immoral or wicked, can be justified on the pretence that it was done for the good of the church. True. But then no act which not by pretence, but really and in fact is for the good of the church, can be in itself unjust, immoral or wicked. The good of the church is a good end ; acts done with a good end are good acts—therefore, acts done for the good of the church are good acts, and good acts cannot be unjust, immoral, or wicked, therefore good acts may be done with a good conscience ; and, therefore, whatever is for the good of the church may be done with a good conscience. As long as Dens and the devil can reason, such oaths as this are easily concocted. But this volume amply illustrates the principle. For example :—It was really for the good of the church that the Bulla Coenae Domini should be taught through Ireland, but secretly ; for see the imperative reasons, pp. 47, 48, 49, and Cardinal Erskine’s note, p. 304 ; and accordingly it was taught, see pp. 230—239. But it was really for the interest of the church that Dr. M’Hale and Dr. Doyle should deny on oath that it ever had been received, or would be received in Ireland, while they and their brethren were privately teaching it.—See pp. 42 to 48, and see the rule laid down, p. 49. that it was right for them to dissemble.

‘ Now to take a deliberately false oath, *on the pretence* that it was for the good of the church, would be a great practical evil—it would be a perjury ; but to take such an oath, when it was *really* for the good of the church, was a dutiful adherence to the 16th Can. of the 3d Lateran Council, which they are sworn to obey, so this was keeping their oath ; for as by that canon *oaths contrary to ecclesiastical utility are not to be accounted oaths, but perjuries ; so perjuries to promote ecclesiastical utility, are not perjuries, but good and lawful oaths*. The facts are indisputable, and it requires but little skill in Dens’s moral theology to understand and apply the principle.

“ ‘ How could you go and break your oath the way you did ? ’ said a man to a witness whom he knew to have sworn to a whole tissue of lies in a court of justice.

“ ‘ No, but keep my oath, you mean,’ replies the witness.

“ ‘ Keep your oath ! ’ rejoins his friend ; “ how can that be, when you know as well as I do that all you swore was false ? ”

“ ‘ Ay, but,’ returns the other, “ I swore this morning before I went out that I would not tell a word of truth to-day.”

† ‘ This is also perfectly true *distinguendo*. They swear it is not an article of the Catholic faith, and that they are not bound to believe that the Pope is infallible. True. But they do not swear that they themselves

selves ‘bound to obey any order, in its own nature immoral, though the Pope or any ecclesiastical power should issue or direct such an order : but, on the contrary, that it would be sinful in them to pay any respect or obedience thereto.’*

“ The Catholics of Ireland swear, that they ‘ will be faithful, and bear TRUE ALLEGIANCE, to our most gracious sovereign lord, KING GEORGE THE FOURTH ; that they will maintain, support, and defend, to the utmost of their power, the succession of the crown in his Majesty’s family, against any person or persons whatsoever ; utterly renouncing and abjuring any obedience or allegiance to any other person claiming or pretending a right to the crown of these realms ;’† that they

do not believe that he is infallible. It is not an article of the Catholic faith, because if it was, all would be bound to believe it. But the Gallican church does not believe it, while the Ultramontane doctors do. They are all Ultramontanists, and they swear nothing about themselves, they only swear about the Catholic faith, and what here they swear is true ; and as they swear nothing about their own faith, they swear nothing that is false. But they were all teaching in Dens that the Pope is infallible, so we know what they believed and taught on the point.

‘ But again, even if they swore as to their own faith, still there is another reserve *distinguendo*.

‘ The Pope is infallible as to matters of fact ? No. They do not really believe that.

‘ Ergo, they swear with a safe conscience they do not believe him infallible.

‘ Again *distinguendo*.

‘ The Pope is infallible as a private doctor ? No. They only believe he is infallible *ex cathedra*.

‘ Ergo, they can swear they do not believe the Pope is infallible. So they swear with a safe conscience ; but the Protestants know little about such oaths till they are trained in the study of Dens’s Theology.

* ‘ Here is the same principle as the last. The Pope never issues an order as Pope, except *ex cathedra*. But the Pope by the preceding speaking *ex cathedra* is infallible. Ergo, the Pope issuing such an order is infallible.

‘ Again, any order that is infallible cannot be immoral. But the Pope’s order *ex cathedra* is infallible. Ergo, the Pope’s order cannot be immoral.

‘ Therefore, when they swear not to obey any order that is in its own nature immoral, though issued by the Pope, they swear not to obey a thing that can have no existence, therefore a thing that cannot be a lie, because in fact it is nothing at all. Therefore they may obey whatever order the Pope chooses to issue, and still their oath is true.—*Dominum Dens auctorem sequentes.*

† The loop-hole for conscience in this part of the oath is not so immediately apparent. These Papal bishops, while they seem to us to be swear-

' renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed and murdered by their subjects, or by any person whatsoever ;' and that they ' do not believe that the Pope of Rome, or any other foreign prince, prelate, state, or potentate, HATH or OUGHT TO HAVE any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm.'* They further solemnly ' in the presence of God, profess, testify, and declare, that they make this declaration, and every part thereof, in the plain and ordinary sense of the words of their oath, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatsoever, and without thinking that they are or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any person or authority whatsoever, shall dispense with or an-

ing, may say that they are merely here historically reciting the oath of allegiance taken by Roman Catholics ; they might just as well have said, the Catholics of Ireland take the oath of allegiance, and this is the oath they swear ; but they do not tell us that this oath is always taken like every promissory oath, saving the authority of the Pope ; nor do they tell us that they have the power of dispensing with this oath for their subjects and themselves, whenever piety and the utility of the church, or any thing they judge a sufficient cause demands, as they teach in Bailly and Dens. So that they can swear an oath of allegiance to-day—and to-morrow, if the utility of the church requires it, can absolve themselves and their subjects from it at once.'

* ' This is to be considered *distinguendo*. If it is meant that they do not believe that the Pope hath, or ought to have, any temporal or civil jurisdiction, according to the laws of England, this is true. They are swearing before the people of England, and they swear according to what this people understands concerning their own laws and constitution ; for there is no use in swearing to men on a subject about which they know nothing. Now Protestants know nothing about the laws of Rome ; therefore, their Bishops swear according to the laws of England, which the people know, and not according to the laws of Rome, which they do not know ; and this is the proper, judicious, Papal swearing—such as men ought to swear when it answers their purpose to swear, and to induce men to believe what they swear. But as to swearing that the Pope hath not and ought not to have temporal power, indirectly, over these realms, according to the laws of Rome, that would be quite absurd.—See Dens 22. p. 147 to 164. Thomas Aquinas, 2nda. 2ndæ. sec. 12. art. 2 ; the Bull *Super Solidate*. See pages 291, 282, published by these men to enforce them.'

nul the same, or declare that it was null and void from the beginning.*

"After this full, explicit, and sworn declaration, we are utterly at a loss to conceive on what possible ground we could be justly charged with bearing towards our MOST GRACIOUS SOVEREIGN ONLY A DIVIDED ALLEGIANCE."—(p. 315.)

We now come to the statement of Mr. Waterworth already alluded to :

"Liguori teaches, (and he has just been canonized) that under no circumstances,—even if the Pope or the Council were to attempt it, can they exonerate an individual from an oath made to a third person ;—that even if the promise is opposed to the Evangelical councils ; that even if it is opposed to the greatest act of piety, an individual *cannot break a promise which he has made to a third person.* That is at page 454, volume 1st of Liguori's Theology."

The Italics are Mr. W.'s. This is certainly a bold statement, but let us test its truth, and see what is the real statement of Liguori "just canonized." Mr. W. refers us to page 454 of the 1st. vol. ; now I turn to the 1st vol. of the edition which I possess, and in vain do I look for that page, but perhaps Mr. W. quotes from a different edition, or it is possible the reference may be mis-printed. In the fourth Book, Number 192, I find, however, something like the words which Mr. W. quoted, but yet *accompanied by such limitations and restrictions as maintain the very opposite doctrine to that asserted by Mr. W.*

"Dicendum II. quod, si talis promissio sit accepta a tertio, cui facta fuit, tunc sine ejus consensu, nec etiam a Pontifice relaxari possit. Est adhuc commune ap. Laym. de Jur. c. 11. n. 15. cum S. Th. 2. 2. q. 80. a. 9. ad 3. Tamb. 1. 3.

"It is to be said, in the second place, that if such a promise be accepted by a third person, to whom it was made, then, without his consent, it cannot be relaxed even by the Pontiff. Besides, this is the common opinion, ap. Laym.

* "This part of their oath is like all the rest—in strict accordance with Popery. For while they take every oath that could be invented as to any contract or promise, *Salvo jure Superioris*; each part of the oath is taken with this reservation; and the same power that can dispense with one part of the oath, in which the promise or contract is included, can dispense with the other part of the oath, which either denies or promises not to seek a dispensation."—(p. 315. London, 1841.)

c. 7. §. 3. n. 3. *Salm.* c. 2. n. 68. *Croix* 1. 3. p. 1. n. 358. Et hoc, etiamsi juramentum principaliter sit factum in honorem Dei, ut dicit *Croix ibid.* cum *Sanch.* *Suar.* *Less.* *Lug.* *Dian.* *Moya*, etc. simul ac per acceptationem sit tertio jus acquisitum. Sed de hoc juramento principaliter in Deum emisso magna vertitur quæstio, circa quam vide dicenda c. 3. *de Voto num.* 255."—(p. 343. t. 2. n. 192. *ibid.*)

de jur. c. 11. n. 15. cum S. Th. 2. 2. q. 80. a. 9. ad 3. Tamb. 1. 3. c. 7. §. 3. n. 3. *Salm.* c. 2. n. 68. *Croix.* 1. 3. p. 1. n. 358. And this holds although the oath be chiefly made in honour of God, as *Croix* says, *ibid.* CUM SANCH. SUAR. LESS. LUG. DIAN. MOYA, etc. as soon as the third party, by accepting the oath, acquires a right. But a great question is debated concerning this oath, principally made in honour of God, about which, see what is said in the third chap. concerning a vow, number 255."

So far one would think that Mr. W. was borne out by Liguori in the sweeping assertion which he made, that *under no circumstance* can the Pope exonerate an individual from an oath accepted by a third person; but did Mr. W. read the passages which follow, containing *the limitations*. Is it possible that they could have escaped his notice?

"Limitatur tamen dictio II. mox lata in tribus casibus. I. Si jurans sit subditus, et juramentum sit circa ea, quæ supereorum potestati subduntur, ut docet S. Thom. l. c. Ideo Pontifex irritare potest omnia juramenta circa beneficia, officia ecclesiastica, etc. Parentes etiam possunt irritare juramenta impuberum, non vero puberum circa res proprias ipsorum; tutores pupillorum; superiores religiosorum; viri uxorum circa bona dotalia; domini servorum. *Vid. omnia*

"HOWEVER THE SECOND ASSERTION JUST NOW MADE IS LIMITED IN THREE CASES.—I. If he that swears is a subject, and the oath is about those things which are under the controul of the superiors, as St. Thomas teaches, l. c. Therefore, the Pope can abrogate all oaths about benefices, ecclesiastical offices, &c. Parents also can abrogate the oaths of children under age, but not of children who are of age, in matters concerning their own property. Tutors

ap. Salm. c. 3. ex n. 4. cum Bus. n. 2."

" Lim. II. Si juramentum non posset servari sine damno communi, prout esset juramentum non denuntiandi, non accusandi etc, vel super contractu a lege vetito, v. gr. solvendi pœnam, si quis resiliat a sponsalibus; quod prohibetur cap. *Gemma, de Spons.* (An etiam solvendi perdita ludo prohibito, ut dicunt Salm. Vide dicenda de Ludo tract. de Cont. d. 13.) Talia juramenta verius relaxione non indigent, cum de se sint nulla, *juxta dicta n. 177. v. Aliter.* Esto tamen essent valida, ab Ecclesia relaxari possunt. *Salm. ibid. n. 6. cum Sanch. Pal. et Guttier.* Nomine autem Ecclesiae veniunt non solum Pontifex, sed etiam episcopi, capitula sedibus vacantibus, et alii jurisdictionem episcopalem habentes, ut *Salm. n. 7. et 8.* et etiam confessarii delegatam facultatem habentes dispensandi in votis, qui possunt etiam talia juramenta relaxare, ut *Busemb. n. 3. et Salmantic. num. 9. cum Rodr. et Ledesen.*"—(p. 346. t. 2. n. 192. *ibid.*)

can annul the oaths of their pupils. Superiors of the religious orders;* husbands of their wives, about dowry goods; masters of their servants.

II. IT IS LIMITED, IF AN OATH CANNOT BE OBSERVED WITHOUT COMMON LOSS, SUCH AS WOULD BE THE OATH OF NOT DENOUNCING—NOT ACCUSING, &c., or about a contract forbidden by law, for example of inflicting punishment if any one does not adhere to espousals which is prohibited in chap. *Gemma de Sponsa* (whether also of paying money, lost by forbidden game, as the Salmanticenses say; see what is said on gaming in the tract which treats of contracts, Cont. d. 13.) Such oaths truly do not need relaxation, since THEY ARE OF THEMSELVES NULL AND VOID, in accordance with what is said in number 177. v. Aliter. HOWEVER, LET THEM BE EVER SO VALID, THEY CAN BE RELAXED BY THE CHURCH, *Salm. ibid. n. 6. cum Sanch. Pal. et Guttier.* but in the name of the Church are included not only the Pope, but also Bishops, Chapters, the episcopal seat being vacant, and others having episcopal jurisdiction, as *Salm. n. 7. et 8.* and also confessors having a delegated faculty of dispensing

* Monks, Friars, Nuns, &c.

in vows, who are able also to relax such oaths, as Busenb. n. 3. et Salamantie. num. 9. cum Rodr. et Ledesem."

The third limitation regards oaths extorted by fear. In one of the above passages we are referred to n. 177. v. Aliter ; we therefore turn to that quotation, and find Liguori asserting the same principles. Having said that an oath accepted by a third person can not be relaxed, he leaves full room for the exercise of Papal power, saying,

"Aliter tamen dicendum, si promissio sit irrita à jure, quia esset contra bonum commune ; ratio quia tunc ipsa impletio illicita esset."—(n. 177. ibid.)

"However we say otherwise, if the promise is abrogated by justice, on account of its being opposed to the common good. The reason is, because in that case the very keeping of such an oath would be unlawful."—(n. 177. ibid.)

Pray where were Mr. Waterworth's eyes when he asserted that under no circumstances could an oath be annulled if accepted by a third party. He quotes Liguori, but the Saint maintains the very opposite. He gives full room for the exercise of the Papal power in annulling oaths which are even accepted by a third party.

For a moment let us consider some limitations ; such an oath is not to be observed if it is calculated to injure the community ; he says,

"Dispensatio est absoluta obligationis voti condonatio, nomine Dei facta. Ad hanc, ut valeat, justa causa requiritur : qualis v. gr. est 1. bonum ecclesiæ vel commune reip." —(p. 397. t. 2. n. 250. cap. 3. ibid.)

"A dispensation is the absolute disposing of the obligation of a vow, made in the name of God. That such a dispensation may be valid a just cause is required : such as for example is—I. THE GOOD OF THE CHURCH, or the common well-being of the republic."

An oath accepted by a third party can be relaxed without his consent, if it be calculated to injure the Church. Of this Liguori gives a striking example—"Prout esset juramentum

non denuntiandi, non accusandi, etc." "Such as would be an oath of not denouncing, of not accusing, &c."

Reader, here is a fearful instance of Romish perfidy, justified both in principle and in practice!

An oath of not denouncing, even when accepted by a third person, can be relaxed, nay it is of itself null and void as Liguori says. "Denuntiandi" is a technical phrase of the *Inquisition*.

Here is Liguori's example.

A man makes a solemn oath that he will not denounce a certain Protestant to the Inquisition, and have him immured in its dismal dungeons; that oath is accepted by the third person, but because it is injurious to the interests of the Church to let heretics go unpunished, the oath is of itself null and void; and even if any doubt is entertained as to its validity, the Pope, the Bishop, or the delegated Confessor, by dispensation takes away all its obligation. The Protestant may perhaps think himself safe in having received a solemn oath that he shall not be delivered up to the Inquisition, but no, he is deceived! at midnight the Inquisitorial coach rolls to his door; he is torn from the embrace of his family—immured in the dismal dungeons: he appeals to the sanctity of oaths in vain. "No faith is to be kept with heretics," and he bears the awful doom. This is Liguori's own example. Pray did Mr. Waterworth see these limitations; Liguori teaches that an oath, even *accepted by a third party*, can be relaxed, if the interests of the Church demand it. It is certainly remarkable that he should give this instance of denouncing. Oh, that Protestants would awake from their slumbers and behold the real character of Rome. No oath administered by Protestants can bind the Papal Church, for Popery would rend every tie, human and divine, to accomplish her unholy designs. Her council of represented priests decreed that "no faith was to be kept with heretics," and the Reformer Huss, who was promised a safe-conduct, perished amid the flames. In vain did he appeal to the sanctity of oaths, for Rome, as we have seen, swears to the Protestant that he shall not be denounced, and yet betrays him to the Inquisition.

"O, love destroying, cursed Bigotry—
Cursed in Heaven, but cursed more in Hell,
Where millions curse thee, and must ever curse,
Religion's most abhorred! perdition's most
Forlorn! God's most abandoned! Hell's most damned!"

Who can impartially consider the principles of Rome on equivocation—mental reservation—dispensation, and the obligation of oaths, without being convinced that Popery is a system of fraud, deceit, lying, perjury, and perfidy, yea “the very master-piece of Satan.” England has often felt the evil consequences of Papal despotism. Her crowns have been trampled in the dust ; her King lashed by Monks at the tomb of a traitor subject ;—Her churches closed, her dead unburied, and her people excommunicated—her best sons tortured and martyred—Lord Cobham roasted in chains for having maintained Bible sentiments and the right to think for himself—the Ridleys, Latimers, and Cranmers, burned for their adherence to the Reformation,—by Papal intrigue the nation oft shaken to her centre—Elizabeth excommunicated and her subjects absolved from their allegiance. The Armada, blest by the Pope, sets sail with pride and power to trample British liberty in the dust, dethrone the Queen, and persecute the people ; but Heaven—“the stars in their courses” fought against Spain, Rome, and the Inquisition, for “the Lord of Hosts was with us, and the God of Jacob was our refuge.” Again, Rome concerta her schemes—the Gunpowder plot failed to accomplish its object, but the leader thereof is, in England, and in the 19th century, regarded as a Martyr.* **ROME IS STILL THE SAME.** Her principles of equivocation, fraud, and persecution, the non-obligation of oaths have received a fresh sanction in the Works of Liguori, in the year 1839 ; yet Englishmen are asleep : but few are acquainted with her real principles, and it is considered uncharitable to charge her with sentiments, which equivocating, dissimulating, and tergiversating, she owns—oh blind infatuation ! this great nation seems to be spell-bound by the sorceress who makes “all men drunk with the wine of her fornication.” Men and Brethren, arouse from your lethargy,—the system which is the enemy of your dearest interests—of your altars and your homes ; the system which is stained with blood, and all perfidy within, though all smiles without—the system which tramples upon Kings, lights the fires of martyrdom, works the Inquisition’s torture—dissembles—equivocates—tergiver-

* In a book which lies before me, entitled “Modern British Martyrology,” written by the late Bishop Challoner, Garner the Jesuit, and the promoter of the Gunpowder Treason is enrolled amongst the Martyrs !!!

sates—false-swearers—now supplicates and now threatens—at one time smiles, at another frowns—at one time entreats, at another commands, all, all to accomplish her own designs; legislates within your Senate House—is endowed by your money,—overflows the land and bids fair once more to be drunken with the blood of the saints. Men and Brethren, awake ere it is too late and “Ichabod” be written on your time-honoured institutions.*

* Appendix I.

CHAPTER X.

ADJURATION.

I WOULD extract a few passages :—

“ III. Tantum creatureæ intellectuales possunt directe adjurari, ut homines, et dæmones. Indirecte autem etiam irrationales, ut sal, nubes, locustæ etc. adjurando vel Deum, ut earum usus nos adjuvet, vel dæmones, ut per eas desistant nocere, prout docet *S. Thom.* 2. 2. *quæst.* 90. *art.* 3. cum aliis communiter.” * * *

“ V. Præsertim autem circa adjurationem dæmonum, duo præcipue hic sunt notanda. I. Ut cum eis adjuratio sit imperativa, non vero deprecativa. II. Ut fiat tantum ad amovenda damna, et vexationem obsessi, non autem ad vanitatem et curiositatem ; hinc dicunt DD. communiter cum Salmant. de 2. Præc. c. un. num. 55. non posse excusari a peccato gravi, qui multos sermones inutiles haberet cum dæmone obsidente.”

“ Exorcista autem, ut obsessus verè liberetur, sedulò curet, ut sequentia observet : 1. Prius bene exploret, an ille revera obsideatur a dæmone. 2. Muniat se fide, fiducia, et

“ III. Only intellectual creatures, as men and *devils*, can be adjured directly. But indirectly, irrational creatures, as *salt*, *the clouds*, *locusts*, &c. by adjuring either God, that their use may assist us, or devils, that through them they may cease to hurt us, as St. Thomas in common with others teaches, 2. 2. *quæst.* 90: *art.* 3.”

“ V. But especially as to the *adjuration of devils*, two things are here to be particularly noted—1. That with them the adjuration may be imperative, but not deprecative ; II. that it be done for the removal of harm and of the disturbance of the possessed, but not for the sake of vanity and curiosity ; hence the doctors commonly teach with Salmant. de 2. Præc. c. un. num. 55. that he cannot be excused from grievous sin, who WOULD HOLD USELESS CONVERSATIONS WITH THE POSSESSING DEVIL.”

“ But the exorcist, that the possessed may truly be delivered, should sedulously take

caritate; insuper et oratione, et jejunio, et maxime humilitate: alias, parum proficiet. Dicit tamen *Salm. n. 7.* exorcismum suam vim habere, etiamsi fiat ab eo qui est in peccato. 3. Inducat obsessum ad confessionem, confidentiam, et orationem. 4. Utatur exorcismis in Ecclesia Romana, vel saltem in sua diocesi approbatis. Utatur etiam invocatione nominum Jesu, Mariæ; item signo crucis, ac reliquiis sanctorum, aut aqua benedicta, agno Dei etc. 5. Caveat, ne cum dæmone jocetur, sed potius pauca proferat, et non permittat ei plura loqui, sed imperet tacere. 6. Caveat etiam, ut advertit *Rituale*, ne ob dictum dæmonis confugiat ad magos, ut maleficium dissolvant. Jubeat tamen dæmonem dicere, an ibi sit ob maleficium; et ut signa malefica reddat, vel revelet. 7. Regulariter exorcismum faciat in ecclesia, januis apertis, nisi honesta adsit causa (ut dicitur in *Rit.*) ut fiat domi. 8. Excludat mulieres, pueros, et viros otiosos, quorum modica fides expulsioni obstare potest. 9. Repetat plures comminationem, et verba, quibus observat dæmonem magis angi, semper augendo pœnam. Demum advertat, nulla adesse signa infallibilia egressus: probabilia tamen signa sunt, si per longum tempus obsessus

care that he observes the following rules—1. Beforehand, let him carefully try whether the patient is really possessed by a devil. 2. Let him arm himself with faith, confidence, and charity, and above all with prayer and fasting, and especially humility, otherwise he will profit little. However, *Salm. n. 7.* says that the exorcism possesses efficacy, although it is performed by one who is in sin. 3. Let him induce the possessed to confession, confidence, and prayer. 4. Let him use the exorcisms of the Roman Church, or at least those which are approved in his own diocese. Let him use the invocation of the names of Jesus and Mary, also the sign of the cross, and the relics of saints, or holy water, the agnus dei, &c. 5. LET HIM BEWARE LEST HE SHOULD JOKE WITH THE DEVIL; but rather let him say little, and not permit the devil to speak much, but command him to be silent. 6. Let him take care that he uses the ritual, lest, on account of the command of the demon he might repair to the magi, that they may dissolve the enchantment; let him, however, order the devil to declare whether he is there in consequence of enchantment, and that he may make known or reveal the sorceric signs. 7. Let him make

sit a molestiis immunis; item dæmonum confessio, ingens vomitus rerum putridarum, vel halitus valde fetidus; item magni clamores, qui ibi audiuntur; item si obsessus remaneat in terram dejectus et quasi mortuus, ac similia. Probabilius autem non licet concedere dæmoni, ut invadat aliud corpus hominis; vel bestiæ, ut exeat ab energumeno, sicut ille promittit, ut censem. *Elbel num. 167. cum Bonac. Tamb. et aliis contra Pal. etc.*

“ Communiter autem dicunt DD. exorcismos habere vim infallibilem expellendi dæmones tanquam ex opere operato. Ita Sporer de 2 *Præc. n. 167. Sanch. dict. c. 42. n. 16. Pal. p. 4. n. 19. Elbel n. 160. et Salm. n. 17. et 22. cum Cajetan. Sot. Trullench. etc.* Nec obstat quod plures exorcismi effectum non habeant; nam, ut dicunt *Salm.* semper illi aliquem effectum sortiuntur, si non complete, saltem imperfecte, vires dæmonum attenuando. *Vide alia apud Delrio, fuse de hac materia tractantem.*” — (App. de. adjur. Dæmon. lib. 4.)

the exorcism regularly in the church, the doors being open, unless there is a good cause (as it is said in the ritual) that it may be done at home. 8. Let him exclude women, boys, and idle men, whose weak faith may be an obstacle to the expulsion. 9. Let him repeat very often the commination and words by which he observes that the devil is more vexed by always increasing his pain. Finally, let him bear in mind that there are no infallible signs of departure. However there are probable signs; if after a long time the possessed is free from trouble, also the confession of devils, a great vomiting of putrid matter or breath very foetid; also great noises which are heard there; also if the possessed remains a long time prostrate on the ground as if dead, and such like. But more probable it is not lawful to give permission to a devil that he should enter the body of any other man or beast, that he may leave the possessed as he promises, as Elbel thinks, num. 167. cum. Bonac. Samb. et aliis contra. Pal. &c.

Commonly the doctors teach that exorcisms have the infallible efficacy of driving out devils, and if ‘ex opere operato’ by the mere performance of the ceremony. Ita. Sporer de 2. *Præc. n. 167. Sanch.*

dict. c. 42. n. 16. Pal. p. 4.
n. 19. Elbel. n. 160. et Salm.
n. 17. et 22. cum Cajetan,
Sot. Trullench, &c. Nor is it
any objection that many exor-
cisms have not the effect, for,
as Salm. says, the exorcisms
always have some effect, if not
completely at least imperfectly
by diminishing the power of
demons.”

I quote the statement of Bishop Taylor on this subject. Speaking of the Romish adjuration he says—

“ Now for the prayers, they also are publicly described in their offices before cited, and are as followeth :—

“ The priest ties his stole about the neck of the possessed with three knots, and says, O ye abominable rebels against God, I conjure you spirits, and adjure you, I call, I constrain, I call out, I contend and contest, wherever you are in this man, by the Father, Son, and Holy Ghost [then he makes three +.] by the most powerful name of God, Heloy, the strong and admirable, I exorcise you, and adjure, and command you, by the power I have, that you incontinently hear the words of my conjuring, and perceive yourselves overcome, and command you not to depart without licence, and so I bind you with this stole of jocundity ; in the name of the Father +, Son +, and Holy Ghost +, Amen. Then he makes two and thirty crosses more, and calls over one and thirty names of God in false Hebrew, and base Greek, and some Latin signifying the same names ; and the two and thirtieth is by the sign of the cross, praying God to deliver them from their enemies. Then follow more prayers, and more adjurations, and more conjurations, (for they are greatly different you must know), and aspersions of holy water, and shewing of the cross, and signings with it. Then they adjure the Devil (in case the names of God will not do it) by S. Mary. and S. Anne, by S. Michael, and S. Gabriel, by Raphael, and all angels and archangels, by the patriarchs, and by the prophets, and by his own infirmity, by the apostles, and by the martyrs ; and then, after all this, if the Devil will not come out, he must tarry there still, till the next exorcism ; in which the exorcist must rail at the

Devil, and say over again the names of God, and then ask him questions, and read over the sequences of the Gospels ; and after that tell him, that he hath power over him, for he can transubstantiate bread into Christ's body ; and then conjure him again, and call him damned Devil, unclean spirit, and as bad as he can call him ; and so pray to God to cast him out of the man's mouth and nose, lips and teeth, jaws and cheeks, eyes and forehead, eyebrows and eyelids, his feet and his members, his marrow and his bones, and must reckon every part of his body (to which purpose, we suppose it would be well if the exorcist were well skilled in Laurentius, or Bauhinus his Anatomy), and if he will not go out yet, there is no help but he must choose, till the third exorcism : in which, besides many prayers and conjurations in other words to the same purpose, the exorcist must speak louder, (especially if it be a deaf devil, for then indeed it is the more necessary), and tell the Devil his own faults, and threaten him terribly, and conjure him again, and say over him about some twenty or thirty names or titles of Christ, and forbid the Devil to go any whither, but to the centre of the world, and must damn him eternally to the sulphurous flames of hell, and to be tormented worse than Lucifer himself, for his daring to resist so many great names ; and if he will not now obey, let him take fire and brimstone, and make a fume, whether the possessed will or no, until the Devil tells you all his mind in what you ask him ; (the liver of Tobias his fish were a rare thing here, but that is not to be had for love or money :) and after this he conjures him again by some of the names of God, and by the merits, and all the good things which can be spoken or thought of the most blessed Virgin, and by all her names and titles, which he must reckon, one and forty in number, together with her epithets, making so many +, and by these he must cast him headlong into hell.

" But if the Devil be stubborn, (for some of them are very disobedient), there is a fourth, and a fifth, and a sixth exorcism, and then he conjures the earth, the water, and the fire to make them of his party, and commands them not to harbour such villainous spirits, and commands hell to hear him, and obey his word, and conjures all the spirits in hell to take that spirit to themselves, (for it may be they will understand their duty better than that stubborn Devil, that is broke loose from thence). But if this chance to fail, there is yet left a remedy

that will do it. He must make the picture of the Devil, and write his name over the head of it, and conjure the fire to burn it most horribly and hastily ; (and if the picture be upon wood or paper, it is ten to one that may be done). After all this stir, sprinkle more holy water, and take sulphur, galbanum, assafoetida, aristolochia, rue, S. John's wort ; all which being distinctly blessed, the exorcist must hold the Devil's picture over the fire, and adjure the Devil to hear him ; and then he must not spare him, but tell him all his faults, and give him all his names, and anathematize him, and curse not only him, but Lucifer too, and Beelzebub, and Satan, and Astaroth, and Behemot, and Beherit, and all together ; (for indeed there is not one good-natured Devil amongst them all ;) and then pray once more, and so throw the Devil's picture into the fire, and then insult in a long form of crowing over him, which is there set down.

“ And now after all, if he will not go out, there is a seventh exorcism for him with new ceremonies. ‘ He must shew him the consecrated host in the pix, pointing at it with his finger, and then conjure him, again, and rail at him once more ; to which purpose, there is a very fine form taken out of Prierius, and set down in the *Flagellum Dæmonum* ; and then let the exorcist pronounce sentence against the Devil, and give him his oath, and then a commandment to go out of the several parts of his body, always taking care that at no hand he remain in the upper parts ;’ and then is the Devil's cue to come out, if he have a mind to it, (for that must be always supposed), and then follow the thanksgivings.

“ This is the manner of their devotion, described for the use of their exorcists ; *in which is such a heap of folly, madness, superstition, blasphemy, and ridiculous guises and playings with the Devil, that if any man amongst us should use such things, he would be in danger of being tried at the next assizes for a witch or a conjuror ; however, certain it is, whatever the Devil loses by pretending to obey the exorcist, he gains more by this horrible debauchery of Christianity.* There needs no confutation of it, the impiety is visible and tangible ; and it is sufficient to have told the story.

“ Only this we say, as to the thing itself :

“ The casting out of devils is a miraculous power, and given at first for the confirmation of Christian faith, as the gifts of

tongues and healing were, and therefore we have reason to believe, that because it is not an ordinary power, the ordinary exorcisms cast out no more devils, than extreme unction cures sicknesses. We do not envy to any one, any grace of God, but wish it were more modestly pretended, unless it could be more evidently proved. Origen condemned this whole procedure of conjuring devils long since. *Quæret aliquis si convenit vel dæmones adjurare. Qui aspicit Jesum imperantem dæmonibus, sed etiam potestatem dantem discipulis super omnia dæmonia, et ut infirmitates sanarent, dicet, quoniam non est secundum potestatem datam a Salvatore adjurare dæmonia. Judaicum enim est :* If any one asks, whether it be fit to adjure devils ; he that beholds Jesus commanding over devils, and also giving power to his disciples over all unclean spirits, and to heal diseases, will say, “*that to adjure devils is not according to the power given by our blessed Saviour ; for it is a Jewish trick :*” and *S. Chrysostom spake soberly and truly,* “*We poor wretches cannot drive away the flies, much less devils.*”

“ But then as to the manner of their conjurations and exorcisms ; this we say, if these things come from God, let them shew their warranty, and their books of precedents : if they come not from God, they are so like the enchantments of Balaam, the old heathens, and the modern magicians, that their original is soon discovered.

“ But yet from what principle it comes, that they have made exorcists an ecclesiastical order, with special words and instruments of collation ; and that the words of ordination giving them power only over possessed Christians, catechumens, or baptized, should by them be extended and exercised upon all infants, as if they were all possessed by the Devil ; and not only so, but to bewitched cattle, to mice and locusts, to milk and lettuce, to houses and tempests ; as if their charms were prophylactic, as well as therapeutic ; and could keep, as well as drive the Devil out, and prevent storms like the old *χαλαζοφύλακες* of whom Seneca makes mention : of these things we cannot guess at any probable principle, except they have derived them from the Jewish Calaba, or the exorcisms which it is said Solomon used, when he had consented to idolatry.

“ But these things are so unlike the wisdom and simplicity,

the purity and spirituality of Christian devotion; are so perfectly of their own devising, and wild imaginations; are so full of dirty superstitions, and ignorant fancies, that there are not in the world many things, whose sufferance and practice can more destroy the beauty of holiness, or reproach a Church or society of Christians."—(Dissuasive, p. 109. Oxford, 1836.)

CHAPTER XI.

PAPAL OBSERVANCE OF THE SABBATH—CHILDREN MAY ENTER MONASTERIES AND CONVENTS IN OPPOSITION TO PARENTS—IT IS LAWFUL TO SLAY ONESELF INDIRECTLY.

IN treating the question “Whether the observance of the Lord’s day is of Divine right,” he considers that it is only of ecclesiastical right, “de jure ecclesiastico:” here there is some variety of opinion amongst Romish Doctors. An objection is urged, of which however he disposes in the following passage :

“ Sed urget magna oppositio, videlicet : præceptum sabbati erat certe naturale, et morale, nam ideo inter Decalogi præcepta numeratum fuit: ergo dominica quæ sabbato substituta fuit, etiam de jure naturali, sive divino est. Respondeatur, quod, licet sit de jure divino et naturali, ut designetur aliquod tempus determinatum ad Deum colendum, determinatio tamen hujus cultus, et dierum, quibus conferendus erat, fuerit a Christo dispositioni Ecclesiæ reicta ; ita ut posset tunc Papa decernere, ut observantia dominicæ duraret tantum per aliquas horas, et quod licerent aliquo opera servilia, ut dicit Salm. dict. n. 38.”—(p. 4. t. 3. n. 265. tract. 3. lib. 4.)

“ But a great objection stands in the way, videlicet—the command of the Sabbath was certainly natural and moral, for on that account it was numbered amongst the precepts of the Decalogue: therefore the Lord’s day, which was substituted for the Sabbath, is also either of natural or divine right. It is answered that although it be of divine or natural right that some determinate time should be allotted for the worship of God, however the determination of that worship, and of the days in which it was to be offered up, have been left to the arrangement of the Church, so THAT THE POPE CAN DECREE THAT THE OBSERVANCE OF THE LORD’S DAY SHOULD CONTINUE ONLY FOR A FEW HOURS, AND THAT CERTAIN SERVILE WORKS WOULD BE LAWFUL.”

In accordance with these principles the Saint says :

“ Licitum esse constat, ob publicam causam et honestam necessitatis, vel lætitiae, puta ob victoriam, adventum, vel ortum principis etc. conficere vestes, theatra, et similia. Extendunt hæc fieri posse etiam ob recitandam comoediam, *Sanch. d. 18. n. 27. Tol. et Trull. Pasq. ap. Salm. cap. 1. n. 354.* qui a fortiori extendunt ad taurorum agitationes ; dummodo talia die profesto præveniri non potuerint. Ratio, quia talia signa lætitiae sunt reipublicæ moraliter necessaria : et ideo permittuntur ex consuetudine. Nam ad hæc omnia, ut notat Viva, sufficit probabilis consuetudo. Sic pariter permittit Mazzott. d. c. 2. conficere theatra, vestes famulorum etc. causa nuptiarum, si pridie perfici nequiverint.”—(p. 26. t. 3. n. 304. *ibid.*)

“ It appears to be lawful for a good and public cause of necessity or joy—say on account of victory, the birth or coming of a prince, &c. to prepare garments, theatres, and such like. They add that these things can be done even to the reciting of a comedy, *Sanch. d. 18. n. 27. Tol. et Trull. Pasq. ap. Salm. cap. 1. n. 354.* who allow even bull fights, provided that such things cannot be done on an ordinary day. The reason is because such signs of gladness are morally necessary for the republic, and, therefore, are permitted according to custom. For to these things, as Viva remarks, the probable necessity or probable custom suffices. Thus likewise Mazzott. allows them, *d. c. 2.* to prepare theatres, the garments of attendants, &c. in case of a marriage, if on the day before these things could not have been done.”

These few specimens may suffice to shew the laxity of Romish principles as to the Lord’s day :

In treating on the 4th commandment, he teaches that children may

ENTER MONASTERIES AND CONVENTS, EVEN IN OPPOSITION TO THE WILL OF PARENTS.

He says that the parent sins grievously who even *indirectly* thwarts his child in the adoption of the Monastic life. Liguori draws the following conclusion.

“ Unde, si filius sentiat se a

“ Hence, if a son think that

Deo vocatum ad religiosum vel clericalem statum, et advertat parentes injuste impedituros, consultius aget rem eos celando, divinamque voluntatem exequendo."—(p. 70. t. 3. n. 335. ibid.)

On this subject we are referred by Liguori to book VI. n. 66. We therefore turn to that reference, and find the opinion of Luther stated and condemned. *He* maintained that it is sinful for a child to enter a monastery or convent in opposition to the wishes of his parents, but this view, Liguori assures us, was condemned by the Council of Toletano. Having adduced many authorities, he concludes :

"Ex his omnibus concluditur, non solum, non peccare filios religionem assumentes, parentibus inconsultis; sed, ordinarie loquendo, valde errare, si participes eos faciant de sua vocatione, ob periculum cui se exponunt, quod sint ab illa avertendi. Et hoc utique confirmatur ab exemplo tot sanctorum, quorum discessus, parentibus insciis, aut invitis, Deus etiam miraculis approbavit, et benedixit. Idemque sentit doctus P. Elbel de Præcept. n. 538. dicens : Si filius sentiat se a Deo vocatum ad statum religiosum, et advertat parentes id ægre laturos, atque ex affectu carnali ac futilibus motivis se opposituros, non tenetur eos consulere, quia consultius aget rem eis celando."—(p. 402. t. 4. n. 68. l. 5.)

he is called to a religious* or clerical state, and supposes that his parents would unjustly impede him, he conducts the business more advisedly, by *concealing it from them, and by following the divine will.*"

"From all these authorities we conclude that not only do children *not sin*, who enter a religious state, *without consulting their parents; but ordinarily speaking they err very much, on account of the danger to which they expose themselves of being averted from it, if they consult with them concerning their own call.* And this verily is confirmed by the example of so many saints whose departure, the parents being unconscious or unwilling, God approved and blessed even by miracles. And the learned P. Elbel. de præcept. n. 538, thinks the same, saying—'If a son think that he is called to the religious state, and considers that the parents would bear it grievously, and that they would be opposed to it from a carnal affection and

* The religious state includes the monastical and conventual life.

groundless motives, HE IS NOT BOUND TO CONSULT THEM, because he conducts the matter more advisedly in concealing it from them.””

Liguori considers the fifth and sixth commandments together. He suggests the inquiry “ WHETHER IT IS SOMETIMES LAWFUL TO SLAY OR MUTILATE ONE’S SELF,” to which he replies :

“ Resp. Absque divina auctoritate non licet scipsum directe, et ex intentione occidere. Ratio est, quia est contra caritatem sui, et fit injuria reip. et Deo, qui est solus directus, et absolutus dominus humanæ vitæ.” * * *

“ Dixi 1. *absque auctoritate divina*, propter Samsonem, et quosdam martyres, qui seipsos occiderunt, vel ex divina inspiratione, vel inculpata ignorantia. Dixi 2. *directe*, quia indirecte quandoque licet se occidere, hoc est, aliquid facere, vel omittere, ex quo, præter intentionem, mors certo sequatur : quia præceptum conservandi vitam, utpote affirmatum, non semper obligat, sed potest omitti propter bonum finem, necessitatem, vel magnam utilitatem, *S. Thom.* 2. 2. q. 64. *Vide Fill. hic tr. 29. cap. 4. quæst. 5. et Becan. 2. 2. t. 3. c. 7. q. 8.*”—(p. 93. t. 3. n. 366. cap. 1. lib. 4.)

“ We answer that without divine authority, it is not lawful *directly* and according to intention to slay one’s self. The reason is, because it is contrary to the love of self, and may be injurious to the state and to God, who is the sole, direct, and absolute Lord of human life.

“ I have said, 1. *without divine authority*, on account of Samson and some martyrs, who slew themselves either according to divine inspiration or blameless ignorance. I have said, 2. *directly*, BECAUSE INDIRECTLY IT IS SOMETIMES LAWFUL TO SLAY ONE’S SELF ; that is to do or to omit something by which saving intention death certainly follows ; because the command of preserving life, inasmuch as it is an affirmative, does not always bind, but can be overlooked *for a good end, necessity, or great utility*.—*S. Thom.* 2. 2. q. 64. *Vide Fill. hic tr. 29. cap. 4. quæst. 5. et Becan. 2. 2. t. 3. c. 7. q. 8.*”

This is a dangerous principle to establish, that for a *good end, necessity, or great utility*, it is lawful INDIRECTLY to

commit suicide. In number 367, having said that directly to slay one's self is never lawful, He says :

“ *Licet vero se indirecte occidere, puta si quis se ejiciat per fenestram, ut effugiat incendium, præsertim si adsit aliqua spes mortem evadendi, ita cum *Busemb.* ut supra docent *Lugo* dub. 10. num. 50. cum *Less.* *Tourn.* *Continuat.* tom. 3. p. 425. v. *Secundus*, et *Sporer de 5. præc.* c. 3. n. 24. *Ac Elbel* n. 13. hoc permittit etiam reis detentis in carcere, ad evadendam certam sententiam mortis, vel etiam carcerem perpetuum, ut num. 16.”
— (p. 94. n. 367. *ibid.*)*

“ But it is lawful indirectly to slay one's self, for example, if any one should cast himself from a window to escape fire, especially if there is some hope of escaping, so with *Busemb.* *ut supra.* *Lugo.* dub. 10. num. 50. with *Less.* *Tourn.* *Continuat.* tom. 3. p. 425. v. *Secundus* et *Sporer de 5. præc.* c. 3. n. 24. AND *ELBEL* n. 13, PERMITS THIS TO THOSE WHO ARE CONFINED IN PRISON, FOR THE PURPOSE OF EVADING THE CERTAIN SENTENCE OF DEATH OR EVEN PERPETUAL IMPRISONMENT, as num. 16.”

Here he mentions (*without any mark of disapproval*) the opinion of a certain Doctor, who teaches that a prisoner *may put himself to death* for the sake of avoiding the sentence of death being passed, or even to escape perpetual imprisonment!

On the subject of fasting he teaches, that a Carthusian may lawfully and laudably abstain from flesh meat, though he knows that death will be the certain consequence of that abstinence. He says :—

“ *Etsi Carthusianus in extrema ægritudine possit servare vitam vescendo carnibus (etiam in probabili periculo mortis, ut *Azor.* *Med.* *Vict.* contra *Vasq.* *Gran.* et *Salm.* de Leg. cap. 2. p. 7. n. 137. et 138. qui tamen primam sententiam sat probabilem vocant) idque probabiliter ei tum liceat, atque adeo non peccet, qui inscio præberet cibos ex carnibus, *Sanch.* *Dian.* part. 8. t. 7. r. 70. licite tamen, et laudabiliter*

“ Although a Carthusian, who is afflicted with dangerous illness, may be able to preserve his life by eating flesh meat, (also in probable danger of death, as *Az.* *Med.* *Vict.* contra *Vasques.* *Gran.* et *Salm.* de leg. c. 2. punct. 7. n. 137 et 138. who however call the first opinion sufficiently probable, and that probably may then be lawful for him : and moreover, he does not sin who would give flesh meat to

etiam tum omittit, cum certo periculo mortis." (p. 97. t. 3. n. 370. cap. 1. *ibid.*)

him unconscious, *however lawfully and laudably, even then he may omit it, though death be the certain consequence.*"

The Carthusian who is afflicted with sickness, which arises not from his abstinence, as it is added, may absolutely refuse flesh food, though he is certain that death will be the result of that refusal. Such conduct in the estimation of the Church is laudable. 'Tis true he *may* avail himself of the prescription if he please, but he acts laudably if he virtually commit suicide by refusing that which is necessary for the restoration of his health.

The Saint states that, while it is not lawful to inflict such penances as to bring death *positively* upon one's self, yet it is lawful to undergo the danger of losing life by the severity of penances, or not to adopt such proposed remedies as would avert the threatened calamity. He says :

"Si macerationes fiant consilio prudentis prælati, vel confessarii, esto vita etiam per 12. annos esset abbrevianda, ut alii ibi dicunt. Et revera, si licebit fabris ferrariis (dicit abbas Rancé, fundator reformationis Trappensis) vitam sibi minuere, laborando quotidie pene in medio ignis; a quo nequit non notabiliter consummari humidum radicale, quo tam indiget vita humana; si licebit studiosis sanitatem labefactare ad scientias addiscendas; si licebit militibus exponere vitam tot ærumnis, et periculis mortis; cur non licebit viro religioso austeritates corporales amplecti, ut rebellem carnem in servitutem redigat?"
-- (p. 98. t. 3. n. 371. *ibid.*)

" If macerations are inflicted by the advice of a prudent confessor or prelate, although life should be shortened twelve years, as others there say. And in truth, if it be lawful for smiths (the Abbey Rance —the founder of the Trappist Reformation, says,) to shorten life by labouring every day almost in the middle of fire, by which the natural moisture, which is so needful for human life, is considerably wasted; if it be lawful for the studious to diminish health in the acquisition of knowledge; if it be lawful for soldiers to expose life to so many toils and dangers; why may it not be lawful for a religious man to embrace bodily austerities, that he may bring the rebellious flesh into bondage ?"

Hence he concludes :

“ Ideoque non teneri Carthusianum carnibus vesci, nec aliquem alium uti pretiosa, et exquisita medicina, ad mortem vitandum ; nec secularem, relicto domicilio, querere salubriorem aerem extra patriam.”
—(p. 98. t. 3. *ibid.*)

“ And therefore a Carthusian is not bound to eat flesh meat, nor any other person to use costly and choice medicines to avoid death ; neither is a secular person bound to leave home and seek for a healthy clime in a foreign land.”

It was upon this principle, I suppose, that Liguori justified his own austerities, alluded to in the brief memoir with which this work opens.

DISGUSTING CHARACTER OF HIS TREATISE ON THE SIXTH AND NINTH COMMANDMENTS.

Liguori considers these two commands in conjunction. He opens his treatise with the following apology :—

“ Nunc ægre materiam illam tractandam aggredimur, cuius vel solum nomen hominum mentes inficit. Det mihi veniam, quæso, castus lector, si plures quæstiones, et circumstantias, *a P. Busembao* omissas, hic discussas, et declaratas inveniet. Utinam brevius, aut obscurius explicare me potuissem ! Sed cum hæc sit frequentior atque abundantior confessionum materia, et propter quam major animarum numerus ad infernum delabitur, imo non dubito asserere, ob hoc unum impudicitiae vitium, aut saltem non sine eo, omnes damnari, quicunque damnantur. Hinc opus mihi fuit, ad instructionem eorum qui moralem scientiam cupiunt addiscere, ut clare (licet quo

“ With reluctance we enter upon the consideration of this matter, the very name of which alone pollutes the minds of men. Let, I beseech, the chaste reader pardon me, if he shall find many questions and circumstances here discussed and declared, which were omitted by P. Busembaum ; oh, that more briefly or more obscurely I could explain myself. *But since this subject is a more frequent and abundant matter of confessions,* and on account of which a greater number of souls perish, yea, I do not hesitate to assert, that on account of this one vice of unchasteness, or at least, not without it, all are damned who are damned ; hence it was my object for the instruction

castissime fieri potuit) me explicarem, et plurima particula discuterem. Oro tamen studiosos, qui ad munus audiendarum confessionum se parant, ut hunc tractatum de sexto precepto, quemadmodum et alium de debito conjugali, non legant, nisi cum fuerint ad excipiendas confessiones jam proximi: legant que ob hunc unice finem, omnem prorsus curiositatem abjicientes; atque eo tempore saepius mentem ad Deum elevent, et Virgini immaculatae commendent, ne, dum aliorum animas Deo student acquirere, ipsi suarum detrimentum patientur."—(p. 149. t. 3. n. 418. *ibid.*)

of those who desired to know the moral science, that clearly, (although as chastely as it was possible to be done) I would explain myself and discuss many particulars. However I beseech the students, who prepare themselves for the office of hearing confessions, that they may not read this treatise concerning the sixth command, and the other concerning the * * * unless on the eve of hearing confessions, and let them read them altogether for that purpose, putting away completely all curiosity, and at the same time let them more frequently elevate the mind to God, and commend themselves to the Immaculate Virgin, lest while they desire to gain souls for God, they themselves lose their own souls."

Liguori thus enters upon this subject:—

He says, that disobedience to the sixth and ninth commands is the more frequent and abundant matter of confession, and therefore he discusses every subject with great minuteness, that the confessor may be enabled, as an expert master, to conduct the conversations of the confessional. The treatise is most obscene, filthy, and foul. It enters with disgusting minuteness into all the details of sins which are scarce even heard of; yet this treatise is avowedly written for the guidance of confessors; this treatise is the subject matter of that private conversation which takes place between the Priest and his Penitents! If the very mention of these sins be enough to pollute the mind, according to the statement of Liguori himself, what must be the result when they become the subject of conversation in the confessional, the dark deeds of which no mortal eye beholds. Of what character must that man's mind

be, whose great office it is in the first place to be instructed in such a system of immorality, and then to carry his instructions into practice, in conversing on every unholy, unrighteous, and unchaste thought and action, with thousands of his fellow sinners. The works of Liguori are only fit to be burned by the hand of the common hangman, and yet Rome declares that they contain "*not one word worthy of censure.*"

We shall consider more particularly the subject of the confessional by and bye. Here I cannot translate or even give in the original many of these passages of Liguori, but I would quote the *headings* and the whole of *dubium 3*, that some of my readers may perceive the various questions which are the subject of his disgusting consideration, as well as of conversation between the Priest and Penitent in the confessional.

DUBIUM I.

- "An, et quanta peccata sint oscula, amplexus, tactus, verba obscena, et similia extra matrimonium ?*
- 413 Quæ sit delectatio venerea, quæ sensitiva ?
 414 Quomodo sit malus omnis actus venereus ?
 415 An detur parvitas materiae in re venerea ?
 416 An detur in delectatione sensitiva ?
 417 An oscula aliquando sint licita ?
 418 Et quando excusentur à mortali ?
 419 De tactu, et aspectu turpi proprii corporis, aut commixtionis brutorum.
 420 De tactu, et aspectu turpi corporis alieni ; ac de tactu genitalium brutorum.
 421 An sit semper mortale aspicere pudenda sexūs diversi ?
 Vel pulchri adolescentis ? Et an aspectus isti induant speciem objecti ?
 422 An liceat aspicere partes honestas diversi sexūs ?
 423 An sit mortale aspicere pectus, crura, etc. mulieris ?
 424 An sit mortale aspicere picturas turpes ?
 425 An liceat mulieri se ornare, et faciem fucare ? Quid si detegat ubera, vel utatur veste virili ? *Remissivè ad 1. 3. n. 52. et 54.*
 426 Quando peccent graviter proferentes verba turpia ?
 427 An semper graviter peccent audientes comedias turpes ?
 An ad eas cooperantes pecuniâ, vel plausu ?

- 428 An illas repræsentantes, et componentes ?
 429 An liceat choreas ducere ?
 430 An peccet mulier permittens se tangi ? An mulier ad
 vitandos tactus impudicos teneatur clamare ?
 431 An liceant tactus, etc. inter conjuges aut sponsos ?"

DUBIUM II.

"Quæ sint species luxuriæ consummatæ naturales.

- 432 An fornicatio sit vetita de jure naturæ ?
 433 An peccet mulier non resistens turpi congressui ob metum
 mortis si non consentiat ?
 434 An permitti possint meretrices ?
 435 Circe concubinatum quæritur I. An possit absolvi, qui
 nequit ejicere concubinam sine infamia ?
 436 Quær. II. An absolvi possit promittens, se concubinam
 ejecturum ?
 437 Quær. III. An possit absolvi concubina ob necessitatem
 non discedens ?
 438 Quær. IV. An qui est in proxima occasione, causâ exer-
 cendæ artis ? Quid verò, si is, adhibitis remediis, semper
 eodem modo recidat ?
 439 Quær. V. An famula peccans cum domino ?
 440 Quær. VI. An uxor peccans cum viro ?
 441 Quær. VII. An tollenda occasio etiam cum gravi
 damno ?
 442 Quæ sint poenæ pro concubinatu, præsertim pro clericis ?
 443 An stuprum sit speciale peccatum ?
 444 Ad quid teneatur raptor ?
 445 Quid de adulterio ?
 446 An sit adulterium copula sodomitica inter conjuges ?
 447 An copula habita inter despontatos ?
 448 Circa incestum quæritur I. An omnes incestus sint ejusdem
 speciei ?
 449 Qu. II. An differant incestus cum affinibus ?
 450 Qu. III. An incestus cum cognatis spiritualibus ?
 451 Qu. IV. An sit speciale peccatum copula confessarii cum
 pœnitente ? Quid, si sit ejus parochus ?
 452 Qu. V. An committant incestum propinquai copulantes
 post dispensationem ?
 453 An soli tactus incestum constituant ?
 454 Quomodo committatur sacrilegium per peccatum turpe ?

- 455 Circa sacrilegium *personale* quær. I. An sacerdos simul religiosus, lædens castitatem, committat duo sacrilegia?
- 456 Qu. II. An copulans cum alia persona sacrata?
- 457 Qu. III. An committat sacrilegium habens votum castitatis si inducat alterum ad turpia? Quid, si morosè delectetur, de peccato alterius?
- 458 Circa sacrilegium *locale*, qu. I. An sit sacrilegium copula occulta, vel maritalis in ecclesia?
- 459 Qu. II. An sint sacrilegia tactus impudici habitu in ecclesia?
- 460 Quæ comprehendantur per locum sacrum?
- 461 Qu. III. An verba et aspectus lascivi, habitu in Ecclesia, sint sacrilegia?
- 462 Qu. IV. An cogitationes turpes?
- 463 Circa sacrilegium *reale* quæritur, quando committatur?"

DUBIUM III.

"*Quæ sint species luxuriae consummatæ contra naturam?*

- 464 Quid de congressu innaturali?
- 465 Quid de mollitie?
- 466 Quæ sit sodomia imperfecta, et quæ perfecta?
- 467 An pollutio, habita tangendo puerum aut mulierem, sit diversæ speciei?
- 468 An in sodomia sit explicandum, si quis fuerit agens, vel patiens?
- 469 An sodomia inter conjunctos addat speciem incestū?
- 470 Quæ sint poenæ sodomitarum?
- 471 Quid requiratur ad eas incurendas? Et an clerici patientes illas incurrant?
- 472 An poenæ incurvantur ante sententiam?
- 473 An eas incurrat clericus exercens bestialitatem?
- 474 Quid de peccato bestialitatis?
- 475 De peccato cum dæmone. Quid si dæmon repræseutet personam nuptam, sacram, etc."

DUBIUM IV.

"*An aliquando liceat procurare pollutionem?*

- 476 An pollutio sit vetita de jure naturæ?
- 477 An distillatio voluntaria sit mortalis?
- 478 An liceat expellere semen corruptum?
- 479 An teneamus impedire pollutionem incœptam?

- 480 An liceat ob finem honestum pollutionem optare, vel de ea gaudere ?
- 481 Quid, si prævideatur pollutio secutra ex re honesta ?
Quid, si ex re illicita ?
- 482 Est certè mortalis pollutio, orta ex causa turpi in eam graviter influente.
- 483 Quid, si actio ponatur ex justa causa ? puta I. ad medendum, ad audiendas confessiones, ad alloquendum juxta morem, etc. II. ad abigendum pruritum. III. ad equitandum. IV. ad decumbendum aliquo situ. V. ad moderatè edendum, etc. Quid, si chirurgus, aut parochus in iis aliquoties consenserint in pollutionem ? Quid de simplici confessario ? Et quid, si quis ferè semper reciderit ?
- 484 An sit mortalis pollutio, orta ex causa in eam leviter influente ? Quid, si causa sit in eodem genere luxuriæ ? et si lapsus fuerit frequens ? Quid, si causa sit in alio genere ? An saltem sit veniale eam ponere ?
- 485 De pollutione secuta in somno. An mutua pollutio habeat diversam malitiam ?”

Having thus given the headings, we now quote the whole of Dubium III. as a specimen.

464.—“ RESP. Cùm contra naturam esse dicantur eæ, in quibus fit seminatio modis repugnantibus institutioni naturæ, ita ut juxta tales modos species varientur, hinc resolvitur, tales species esse sequentes :

“ 1. Est congressus inordinatus, hoc est innaturalis, sive indebitus concubandi modus, cùm scilicet servetur quidem identitas speciei, diversitas sexûs, et debita naturæ organa, sed inordinato tantùm modo acceditur : v. gr. cùm vir succumbit, vel aversè accedit more pecorum, vel à latere, vel stando, aut sedendo, aliâve ratione insolitâ ; quod est contra naturam mortale, quando inde periculum est impediendæ generationis, aut effundendi seminis : alias, si hoc periculum caveatur, aut non sit, eò quòd matrix fœminæ satis attrahat semen, et retineat, ut fit plerumque, non contra, sed præter naturam erit, et veniale grave, imò nullum, si gravis causa adsit, v. gr. quia mulier est prægnans, vel quia corporis dispositio, sive utriusque, sive alterutrius conjugis aliter fieri non patitur.
Fill. tract. 30. cap. 8. q. 8. n. 137. (Vide dicenda de matr. l. 6. n. 917.)

465.—“ 2. Mollities, sive pollutio, et est cùm, absque congressu, seu copula, voluntariè procuratur fluxus seminis, sive ut foràs effundatur, uti in maribus, sive intùs diffluat in matricem, ut in fœminis. Et hoc peccatum, præter propriam malitiam, sæpè aliam habet adjunctam, v. gr. fornicationis, adulterii, incestûs, etc. cùm quis nimirùm simul imaginatur, ac desiderat congressum alicujus personæ liberae, conjugatæ, etc. quod proinde, si fiat, in confessione aperiendum est. Plura de mollitie *vide sequenti dubio.*

466.—“ 3. Sodomia imperfecta, et est congressus cum debito quidem sexu, maris nempe cum fœmina, sed extra vas naturale. Potest etiam simul habere alias malitias, v. gr. adulterii, si fiat cum conjugata; incestûs, si cum consanguinea. *Bon. q. 4. de matr. p. 11. n. 1. Fill. l. c. n. 158.*

“ 4. Sodomia perfecta, et est congressus duorum ejusdem sexûs, ut maris cum mare, vel fœminæ cum fœmina, et potest etiam habere alias malitias adjunctas, v. gr. incestûs; quo casu cognationis gradum non necessario explicandum docet *Escob. de act. hum. e. 2. c. 6.* sed satis esse dicere, coïvi cum consanguineo, vel affine; quia nec miscetur caro, nec contrahitur affinitas, nec linea variat speciem. Ita ille: explicandum tamen esse, fuerisne agens, an patiens, dicit *C. Lugo d. 16. n. 423. contra Dian. tom. 2. t. 4. de sacr. r. 159. et p. 6. t. 6. r. 36.*”

“ Quæstio magna est, in quonam actu consistat sodomia? Alii tenent consistere in concubitu ad indebitum vas? alii in concubitu ad indebitum sexum. Utraque sententia est probabilis, et in utraque sententia cernitur specialis deformitas, quam habet sodomia contra naturam, quæ requirit utrumque servari ad generationem, id est debitum vas, et debitum sexum.

“ *Primam autem sententiam*, quòd sodomia sit in congressu ad indebitum vas, tenent *Trull. Reg. Henr. Cov. Lez. Leand. Llamas*, et communiter juristæ apud *Salm. de VI. præc. cap. 7. punct. 5. §. 1. num. 81.* Hinc dicunt, cum veram sodomiam committere, qui coit in vase præpostero cum persona etiam sexus diversi.

“ *Secunda verò sententia* probabilior, et communis theologorum, tenet eam consistere in congressu ad indebitum sexum. Ita *S. Thom. 2. 2. q. 154. art. 11. in corp. Less. l. 4. c. 3. dub. 13. n. 89. Holzm. de 6. præc. n. 676. Elbel n. 263. ac Salm. ibid. n. 82. cum Sa, Azor, Bon. Caj. et aliis pluribus.* Ratio, quia vera et propria sodomia committitur in accessu ad personam, quâcum nullo modo generatio fieri potest. Hinc infertur I.

esse veram sodomiam coitus fœminæ cum fœmina, ut dicunt *S. Thom. loc. cit. Ronc. de 6. præc. c. ult. q. 1. Holzm. loc. cit. Spor. de matr. c. 3. n. 626. Salm. ibid. n. 80. cum Caj. etc. Quamvis non improbabiliter sentiat Elbel l. cit. cum Fel. Pot. de 6. præc. n. 2171.* hujusmodi concubitum, etiam cum affectu ad vas præpostorum, non vidéri nisi sodomiam impropriam, cùm inter fœminas non possit dari copula perfecta. Infertur II. esse veram sodomiam quemcunque concubitum, sive corporum conjunctionem, habitam cum persona ejusdem sexûs, sive in vase præpostero, sive in alia parte; semper enim adest tunc, regulariter loquendo, affectus ad indebitum sexum, ut tenent *Tamb. in meth. Conf. c. 7. n. 64. Ronc. l. c. Cont. Tourn. de 6. dec. præc. art. 6. sect. 2. Croix lib. 3. p. 1. n. 910. et l. 6. p. 2. n. 1082. Salm. loc. cit. n. 81.* Hinc dicunt *Ronc. Tamb. n. 70. et Salm. ibid. n. 87. in fine, contra Graff.*, non esse necessariò in confessione explicandum, si pollutio fuerit intra, vel extra vas,* sufficit enim confiteri, *peccavi cum puero*, ut confessarius judicet adfuisse sodomiam cum pollutione. Si verò non adfuerit pollutio, deberet explicari. Infertur III. cum *Salm. ibid. n. 82. ac Caj. Sa, Bon. Tamb. et communiori*, coitum viri in vase præpostero mulieris esse sodomiam tantùm imperfectam, specie distinctam à perfecta, ut ajunt *Cont. Tourn. vide loc. cit. et Tamb. num. 74.* Qui notat *n. 64. cum Fill. et rectè consentiunt Holz. n. 720. et Spor. n. 336. cum communi*, ut asserit, quòd, si vir coiret inter crura, brachia, aut alias partes mulieris, esset quædam copula inchoata, saltem in affectu. Unde, juxta hanc doctrinam, vir concubens cum virginе extra vas, duo committit peccata, contra eamdem quidem castitatem, sed diversæ speciei, unum fornicationis in affectu, alterum contra naturam in effectu. Dicunt autem præfati *Spor. Holzm. et Tamb. n. 77. cum Angel.* quòd confessarius, intelligens mulierem cognitam fuisse extra vas naturale, vel præpostorum, non debet quærere, in quo loco, vel quomodo. An autem pollutio in ore sit diversæ speciei, affirmat *Sporer n. 637. cum aliquibus apud Dian.* et hoc peccatum vocant irrumationem. Sed probabiliùs dicunt *Holzm. loc. cit. et Fill. tr. 30. n. 155. cum Cajet. Graff. etc.* quòd, si vir polluitur in ore fœminæ, erit copula inchoata, ut suprà: si verò in ore maris, erit sodomia. Quale verò peccatum sit

* “Quamvis ad incurendum casum reservatum, requiritur seminatio intra vas, ut ait *P. Mazzotta. Hom. Ap. tr. 9. n. 24. Edit.*”

coïre cum foemina mortua? Dicendum cum *Holz.* num. 720. *Salm.* num. 74. *Spor.* num. 639. *cum Tamb.* etc. communiter, non esse fornicationem, quia fit cum cadavere; nec bestialitatem, ut quidam volunt; sed esse pollutionem, et fornicationem, affectivam.

467.—“Dubitatur 1. an pollutio habita tangendo puerum, aut mulierem dormientem, aut doli incapacem, aut pudenda bestiarum, sed absque concubitu, sit diversæ speciei à simplici pollutione?

“*Prima sententia* affirmat, et dicit talem pollutionem cum puerō esse sodomiam, cum foemina verò esse copulam inchoatam. Ita *Spor.* n. 635. et *Dic.* et *Diana ap.* *Salm.* de 6. *præc.* c. 7. *punct.* 2. n. 9.

“*Secunda sententia* verò cum *Caj.* 2. 2. q. 154. art. 11. *Azor*, l. 3. p. 3. c. 23. qu. 1. *Bonac.* de *Matr.* q. 4. p. 10. n. 15. et *Salm.* n. 10. *cum Trull.* *Mach.* *Sayr.* *Fill.* *Bassæo*, etc., tenet, esse simplicem pollutionem. Ratio, quia quando abest concubitus, dicunt de materiali se habêre, quòd fiat pollutio tactibus propriis, vel alienis. Sufficit tunc confitèri, *habui pollutionem tactibus alienis*. Quando enim non adest concubitus, non adest affectus ad sexum, sed ad pollutionem: et hæc est probabilius. Notat ideo *Ronc.* de VI. *præc.* c. 7. q. 6. *cum Bon.* *Trull.* et *Fill.* quòd, si quis polluitur tactibus alienis, non oportet, ut explicet, an tactibus viri, vel foeminæ; quia cùm tantùm pollutio tunc intendatur, etiam de materiali se habet, si tactibus viri, vel foeminæ illa eveniat. Secùs tamen dicendum, si facta sit tactibus conjugatæ, vel votum castitatis habentis.

468.—“Dubitatur 2. an in peccato sodomiae explicandum sit, si quis fuerit agens, vel patiens? Negant *Salm.* eodem tr. c. 7. *punct.* 5. §. 1. n. 87. *cum Dian.* etc. quia, dicunt, taliter coëuntes communiter ambo polluuntur. At verius explicandum est, secundùm *Holzm.* n. 678. *Cont.* *Tourn.* l. c. n. 2. *Mazz.* t. 1. p. 13. et *Tamb.* *Leand.* *Lugo* etc. *apud Salm.* *ibid.* n. 86. Quia in agente multò faciliùs adest pollutio, quàm in paciente.

469.—“Dubitatur 3. an sodomia inter consanguineos, aut affines addat speciem incestùs? Tres sunt sententiæ.

“*Prima universè* negat cum aliquibus apud *Diana*, qui eos sequi videtur; quia dicunt, incestum committi tantùm, et quando adest coitus in vase debito cum mixtione sanguinum. Sed hæc non videtur satis probabilis.

“*Secunda sententia*, quam tenent *Bon.* de *matr.* p. 4. *punct.* 11. n. 10. et 11. item *Azor*, *Cand.* etc. *apud Salm.* tr. 26.

c. 7. punct. 5. §. 2. n. 90. dicit, coitum sodomiticum inter propinquos in 1. et 2. gradu esse quidem incestum, cum hic sit vetitus de jure naturali, non vero coitum inter propinquos in 3. et 4. gradu, qui prohibetur tantum à jure positivo inter marem, et foeminam in ordine ad matrimonium; quare dicunt, coitum sodomiticum, qui non dicit ordinem ad matrimonium, non esse vetitum inter tales propinquos de jure positivo, præcisè ratione propinquitatis.

“ *Tertia sententia*, quam probabiliorem puto *cum Lug. de pœn. d. 16. n. 345. ad 351. Cont. Tourn. l. c. art. 4. quær. 2. Ronc. c. ult. q. 2. Croix l. 6. p. 2. n. 1082. cum Sylv. et Graff. item Leand. Dic. etc. cum Salm. ibid. n. 92.* docet, omnem coitum, sive naturalem, sive innaturalem, inter propinquos usque ad 4. gradum, sive sint consanguinei, sive affines, sive sint cognati legales, sive spirituales, induere malitiam incestus. Ratio, quia ex lege Ecclesiæ jam debetur his omnibus reverentia, et pietas, quæ si deturpetur coitu naturali, tanto magis coitu innaturali. Sic etiam dicunt *Salm. loc. cit. n. 94.* incestum committere, qui polluitur tactibus alicujus conjuncti in quarto gradu. Idemque dicendum de aliis tactibus impudicis, in quibus explicanda est species personæ complicis, an sit consanguinea, conjugata, etc. cum *Cont. Tourn. l. c. art. 7. sect. 1. v. Hic. irfin. et Viva, ac Salm. ib.*, qui asserunt, esse commune. Notandum vero, ut certum, explicandum esse in confessione, si sodomia sit habita cum violentia, vel cum persona ligata voto castitatis: et insuper, si cum conjugata; quia fides matrimonii postulat, ut conjux nullo concubitu carnem suam cum aliis dividat. *Sanch. Trull. cum Salm. ibid. ex num. 98.*

470.—“ Quoad pœnas autem hujus criminis, sciendum, sodomitas à lege civili damnari pœnâ mortis, et combustionis, à jure autem canonico ex Bulla *S. Pii V.* apud *Salm. tr. 26. c. 7. punct. 6. §. 1. n. 107.* tam clericos, quam laicos religiosos, hoc dirum nefas *exercentes* (verba Bullæ) *omni privilegio clericali, officio, beneficio præsentis canonis auctoritate privari.* Et insuper præcipit *S. Pontifex*, ut ii potestati sacerdotali tradantur.

471.—“ Hic plures quæstiones agitantur, circa quas, brevitatis gratiâ, dicimus probabilius esse, ad prædictas pœnas incurendas requiri: I. Ut sodomia sit consummata cum pollutione intra vas, ut (*contra Laguna*) tenent *Ronc. de VI. præc. c. ult. q. 5. Bon. de matr. q. 4. p. 11. n. 2. Holzm. c. 3.*

n. 719. item *Suar. Nav. Fill. Azor, Barb. cum Salm. ibid. §. 2. n. 109. et communi*; nam lex pœnalis semper exigit, ut crimen sit perfectum, et consummatum. II. Ut sodomia sit maris cum mari; nam coitus sodomiticus maris cum fœmina, non est vera sodomia, ut *Bon. loc. cit. n. 5. et cum Azor, Hurt. Dic. et communiori* tenent *Salm. ibid. n. 111. contra Less. et Garcia.* Hinc probabiliter notant *Salm. ibid. n. 112. cum Bon. etc.* quòd sodomia cum fœmina non comprehenditur sub reservatione sodomiæ. Secùs verò, si sit reservatum peccatum contra naturam. An autem, sub reservato peccato contra naturam, comprehendatur pollutio? Videtur de se comprehendendi; sed *Salm. loc. cit. n. 115. in fine cum Hurt.* negant, quia Episcopi, ut dicunt, communiter pollutiones in hujusmodi reservatione comprehendere non intendunt. III. Quod ad pœnas clericorum pertinet, ut actus sodomiæ sit frequentatus, sive usu continuatus, ut ait *Navarr.* Hoc enim importat verbum *exercentes*, ut suprà in Bulla expressum. Ita *Bon. num. 2. et Salm. ibid. n. 121. cum Barb. Suarez, Hurt. Henr. et communi, contra Lop. Farinac. etc.* Hinc excusatur, qui semel, vel bis peccaret.

“ Sed magis dubitatur 1. an clerici, sodomiam patientes, pœnas incurvant? Negant *Hurt. Graff. etc. apud Salm. ibid. n. 116.* quia dicunt, verbum *exercentes* propriè significare actionem, non passionem, et hæc satis probabilis videtur. Contrariam verò meritò tenent esse probabiliorem *Salm. loc. cit. n. 117. cum Dian. Bon. Barb. etc.* quia patientes etiam sunt veri sodomitæ; pari modo ac fœminæ à pœnis adulterorum, lieèt sint tantum patientes, non excusantur.

472.—“ Dubitatur 2. an prædictæ pœnæ ante sententiam incurvantur?

“ *Prima sententia* affirmat, quia Pontifex dicit: *Præsentis Canonis auctoritate privamus.* Ita *Az. Dic. Far. Garc. etc. ap. Salm. tr. 26. c. 7. punct. 6. §. 3. n. 124.*

“ *Secunda sententia* tamen verior et communior negat cum *Nav. c. 27. n. 249. Suar. de cens. t. 5. d. 31. sect. 4. n. 22. Bon. de matr. q. 4. p. 11. n. 3. Less. l. 2. c. 29. n. 63. et Salm. ibid. n. 125. cum Barb. Fill. Trull. Dian. Hurt. etc.* Ratio, quia (ut probant *Salm. tr. 11. c. 2. punct. 3. §. 2. ex n. 59.*) nulla pœna, privans aliquo jure acquisito, incurritur, nisi post sententiam, quamvis in lege exprimatur pœna ipso facto incurri. Imò, etsi ibi dicatur: *Nulla expectat⁹ judicis sententi⁹*: tunc enim saltem requiritur sententia declaratoria

criminis. Ratio, quia nimis dura esset lex, quâ per se ipsum quis pœnas exequi teneretur, priusquam per sententiam damnaretur. *Vide dicta l. 1. n. 148.*

473.—“Dubitatur 3. an clericus, bestialitatem exercens, pœnas sodomitarum incurrat? Affirmant *Quaranta, Ledes. Rodrig. etc. apud Salm cit. tr. 26. n. 128.* Quia, ut dicunt, etiam lex pœnalis extendi debet de casu ad casum, quando currit eadem ratio, et crimen est gravioris malitiæ, ut esset in hoc casu. Sed opposita tenenda est cum *P. Concina c. 5. Salm. ibid. n. 129. cum Barb. Bon. Dian. etc.* quia ratio primæ sententiæ currit in lege præceptiva, quæ omnino pendet à ratione legis; non verò currit in lege pœnali, quæ pendet non solùm à ratione legis, sed etiam à voluntate legislatoris; ideoque in ea non valet argumentum à pari.”

474.—“5. Bestialitas, quod est gravissimum inter omnes, et est congressus, in quo non servatur identitas speciei; v. gr. si homo coëat cum bestia, sive ejusdem sexûs sit, sive non.” (*Bestialitas est gravius peccatum, quam sodomia; quia non solum ibi non servatur debitum vas, aut sexus, sed neque debitum genus. Salm. ibid. punct. 7. n. 139.*) “Neque opus est explicare, qualis, sive cuius speciei fuerit: quia est differentia tantum materialis, et in generé entis; non autem formalis, et in genere moris. *Escob. e. 2. cap. 6. Fill. t. 2. tr. 30. c. 7. n. 131.*” (*Hoc est commune cum Salm. ibid. num. 140. et Elbel n. 260. cum Henno, etc.*)

“Sed dubitatur, an opus sit explicare, an bestia illa fuerit mas, aut foemella? Affirmant *Croix l. 3. p. 2. Elb. n. 261. Holz. n. 681.* quia (ut dicunt) moraliter diversa est deformitas congressûs cum bestia mari, et cum foemella. Sed communiter (id fatetur idem *Elbel*), et probabilius negant *Cont. Tourn. de 6. Dec. præc. art. 6. sect. 2. n. 3. Fill. tr. 30. c. 8. n. 161. Tamb. Dec. l. 7. c. 8. §. 5. n. 1. Felix Pot. de 6. præc. n. 2182. Azor, l. 3. c. 22. q. 3. Renzi de 6. pr. c. 8. q. 16. cum Graff. et de Januar.* Ratio, quia tota essentialis deformitas hujus facinoris consistit in accessu ad diversam speciem; unde circumstantia sexus omnino accidentalis est, nullamque in genere moris differentiam involvit. Tactus autem impudici cum bestia, licet non sint propriè peccata bestialitatis, tamen habent aliquam speciale turpitudinem, ut ait *Elbel l. c. saltem veniale.*

475.—“Ad bestialitatem autem revocatur peccatum cum dæmone succubo, vel incubo: cui peccato superadditur malitia

contra religionem ; et præterea etiam sodomiæ, adulterii, vel incestûs, si affectu viri, vel mulieris, sodomitico, adulterino, vel incestuoso cum dæmone coëat. *Vide Bon. de matr. q. 4. p. 12. n. 3. Fill. num. 162.*"

" Benè ait *Busemb.* quòd congressus cum dæmone reducitur ad peccatum bestialitatis, ut dicunt etiam *Tamb. l. c. Elbel n. 262. cum Bonac. Fill. et Salmant. loc. cit. n. 141. cum Cajet. Azor et Trull.* Præter autem crimen bestialitatis accedit scelus superstitionis. An autem, qui coit cum dæmone apparente in forma conjugatæ, monialis, aut consanguineæ, peccet semper affectivè peccato adulterii, sacrilegii, aut incestus ? Videtur universè affirmare *Busemb. cum aliis ut sup.*; sed valdè probabiliter negandum, si concubens delectetur de muliere illa à dæmone repræsentata, non quâ nuptâ, aut moniali, sed quâ pulchrâ, juxta sententiam *Lugonis, Pal. Vasq.* et aliorum plurium, qui valdè probabiliter docent, quòd delectatio morosa non involvat speciem objecti, de quo aliquis delectatur ; nisi circumstantia personæ intret in delectationem. *Vide l. 2. n. 15.*"—(p. 179. t. 3. lib. 4.)

He takes into consideration various extraordinary questions, as for example, Whether a man who lives in a state of concubinage can be absolved before he abandon his crime. It is his opinion that in some cases he may : thus for instance, if a man were to suffer great loss by putting away his concubine, the Priest may give him absolution before the sacrifice be made. He minutely details, as above, various disgusting subjects which propriety would not permit us to translate in these pages—yet these are the subjects of debate in the privacy of the confessional. Alas, how fearful is the state of things, when we cannot even make known what is done and taught under the garb of religion. So gross—so iniquitous—so immoral are the subjects of the confessional, that they cannot be dragged into light. What is too unholy even to be named amongst us, is the every-day practice of that Church which is well called "the mystery of iniquity!"

CHAPTER XII.

ROMISH MORALITY AS TO THEFT AND RESTITUTION.

THE Saint considers whether it is ever lawful to make away with the property of another for a good end, and says,—

“ Qui alienum accipit joco, vel ob bonum, aut commodum illius, a quo accipit, non furatur: v. gr. si uxor auferat a marito pecunias, ne ludis, aut commensationibus eas prodigat; aut vinum, ne inebrietur; aut librum haereticum, ne eum legat; aut famulus det eleemosynam non nimis magnam valde indigenti, de qua dominus rationabiliter non sit invitus, a quo tamen ob verecundiam vel aliam causam non audeat petere. *V. Less. l. 2. c. 12.*”—(p. 236. t. 3. n. 519. lib. iv.)

“ He who receives the property of another in joke, or for a good purpose, or the convenience of him from whom he receives, does not steal: for example, if a wife should take money from her husband lest he should waste it in games, or companies; or wine, lest he should get drunk; or an heretical book lest he should read it. Or if a servant should give alms in a small quantity to one who is in great want, concerning which the master may not be reasonably unwilling, from whom, however, on account of bashfulness, or some other cause, he dare not ask it.”

Here Liguori teaches that a wife, for a good purpose, may deprive her husband of his property; for example, if he have an heretical book, she may make away with it, and in so doing she does not steal at all.

Likewise a servant, who for some cause is afraid to ask permission of his master to give his property in charity, may do it without his permission, if reasonably he be not unwilling. It is then for the servant himself to judge whether the master's unwillingness be reasonable or not. On similar principles we may deduce that as it is lawful for a wife to steal (for

we will call it stealing) an heretical book from her husband, for a good purpose : a servant may do likewise.

Liguori proceeds :—

“ Certum est eum, qui est in extrema necessitate constitutus, posse alienum surripere, quantum sufficit ad se a tali necessitate liberandum. Ita communiter DD. cum D. Thomas 2. 2. *quæst.* 66. a 7. Ratio S. doctoris, quia in tali casu omnia sunt communia ; jus enim gentium, quo divisio facta fuit bonorum, non potest derogare juri naturali, quod cuique competit, sibi providendi, dum extrema necessitate laborat. Idem dicitur, quando necessitas est proxima extremæ, aut illi æquivalens ; in tali enim necessitate, quæ vocatur alias gravissima, seu quasi extrema, potest etiam quis sibi providere mediis ordinariis, non autem exquisitis et extraordinariis.”—(p. 237. id. *ibid.*)

“ It is certain that he who is in extreme want may steal the property of another, as much as is sufficient to deliver himself from such a necessity. Thus commonly the doctors teach, with Thomas, 2. 2. *quæst.* 66. a. 7. The reason of the doctor is, because in such a case all things are common ; for the law of nations, by which a division of goods was made, can not derogate from the natural law which pleads for any one the right of providing for himself, when he suffers under great necessity. The same thing is said when a necessity is next to extreme or equivalent to it ; for in such a necessity which otherwise is called the most grievous, or as if extreme, any one also can provide for himself, by ordinary, but not by extraordinary means.”

He then names authors in support of his view, and proceeds :—

“ Talis autem gravissima necessitas putatur, quando quis est in probabili periculo incurriendi mortem, ut *Roncaglia de Carit. cap. 2. quær. 3. Holzm. eodem tit. num. 172. ac Vasquez, Val. Navarr. Moya, Dicastill, etc. apud Croix 1. 2. n. 195.* aut in periculo amittendi membrum

“ But such is thought to be a very grave necessity, when any one is in probable danger of incurring death, as Roncaglia, de Carit. cap. 2. quær. 3. Holzm. eodem tit. num. 172. ac Vasquez, Val. Navarr. Moya, Dicastill. etc. apud Croix 1. 2. n. 195. or in danger of losing some chief

aliquid principale, aut aliquem sensum, puta oculum. *Pal. Dic. et Tamb. apud Croix ib.* Item quando quis est in proximo periculo incidendi in perpetuam captivitatem, sive poenam triremium, vel gravissimum aut perpetuum morbum, vel infamiam. *Lugo l. c. Sporer tr. l. n. 85.* *Ronc. l. c. Elbel de Rest. n. 271.* Non enim opus est, ut dicunt *Lugo, et Elbel ex D. Th.* et aliis, quod hujusmodi mala actu inferantur, sed sufficit, quod proxime et moraliter certo immineant; imo ait *Holzm. l. c.* quod de se adsit periculum certo probabile. Sed dubitatur, an puteatur eadem necessitate laborare pater qui, ob inopiam est in periculo prostituendi filiam. Affirmat *Bon. et consentit Mazzot. l. c. cum Cajet. Suar. etc.* Sed probabilius contradicunt *Salm. d. n. 39.* quia nulla necessitas potest cogere aliquem ad peccandum, cum possit alia via, saltem mendicando, suae necessitati subvenire. Sed quid, si aliquem virum honoratum valde puderet mendicare, vel labore, an potest ex alienis sibi providere? Negant *Salmant. n. 39. cum Soto et Prado,* dicentes, hanc potius judicari necessitatem gravem, quam extremam, cum bona temporalia tantum ordinentur ad vitam, non ad honorem ser-

member or some sense, for example the eye. *Pal. Dic. et Tamb. apud Croix ib.* Also, when any one who is in very great danger of falling into perpetual captivity, or the punishment of the gallies, or severe or perpetual disease, or infamy. *Lugo. l. c. Sporer. tr. l. n. 85. Ronc. l. c. Elbel de Rest. n. 271.* For there is no need as *Lugo* and *Elbel* ex d. *Th.* and others say, that they may absolutely endure these evils, but it suffices that they appear very near and morally certain, *Yea Holzm.* says, *l. c.* that concerning them a peril may be probably certain. But it is doubted whether a father may be thought to labour under the same necessity, who, on account of want, is in peril of prostituting his daughter. *Bon* affirms that he does, and *Mazzot* agrees with him, *l. c.* with *Cajet. etc.* But more probably, *Salm. d. n. 39.* deny it, because no necessity can compel any one to sin, when there may be another way at least, by begging, to relieve his own necessity. But what, if it would exceedingly grieve a very honourable man to beg or to labour, whether can he provide for himself out of another's property? *Salmant. n. 39.* with *Soto* and *Prado*, deny it, saying, that this should rather be judged a

vandum. Affirmant vero *Viva* 1. c. n. 3. *Ronc.* 1. c. *Mazzot.* t. 2. p. 375, ac *Less.* *Pal.* et *Dicast.* apud *Croix* 1. 3. p. 1. n. 952. item *Bann.* et *Serra* apud *Salm.* Hocque probabilius mihi videtur, si pudormendicandi esset tantus, ut potius ille mortem subire vellet, quam mendicare."—(p. 238. t. 3. n. 520. ib.) .

great necessity than an extreme one, since temporal goods are only ordained for the preserving of life, not of honour. But *Viva* 1. c. n. 3. *Ronc.* 1. c. *Mazzot* t. 2. p. 375. ac *Less.* *Pal.* et *Dicast.* apud *Croix*, 1. 3. p. 1. n. 952. also *Bann.* et *Serra* apud *Salm.* answer in the affirmative. AND THIS APPEARS TO ME MORE PROBABLE, IF HIS SHAME OF BEGGING BE SO GREAT, THAT HE WOULD PREFER DEATH ITSELF TO BEGGING."

Here then Liguori teaches:—

1. That it is lawful to steal when under extreme necessity —viz., in danger of death, the gallies, perpetual prison, &c.
- II. That a man who is so much ashamed of begging, that he would prefer death itself, may, under the circumstances, steal "surripere."

He teaches, that a captive under certain circumstances, may steal the property of those by whom he is imprisoned, for the purpose of liberating himself.

Having given the opinion of Lessius and various authors on the question, *whether a pauper may take his master's goods without asking leave*, he sums up in the following words:—

"Si vero pauper peculiari illa re extreme indigeat, ita ut dominus teneatur omnino eam dare, quia ipso non dante, pauper periret; tunc iste, ut ait Lugo, occulte accipiendo non peccat mortaliter, imo nec venialiter dico, cum ille habeat eo casu absolutum jus ad rem illam accipendam, juxta *S. Thom.* 2. 2. q. 66. art. 7."—(p. 239. t. 3. n. 520. ib.)

"But if the pauper want extremely that peculiar property, so that the master is altogether bound to give it to him, because if he did not give it, the pauper would die; then he, as Lugo says, does not sin mortally, neither venially, as I say, in receiving that property *secretly*, since he has, in that case, an absolute right to receive that very thing."

In the fourth query he asks, if a thief consuming a matter taken in extreme necessity be bound to restitution.

The first opinion which he quotes denies that he is so bound ; the second, however, holds that he ought to restore, for which, reasons are adduced. Liguori gives his own opinion as follows :—

“ His tamen non obstantibus, non puto improbabilem primam sententiam, quia pauper in tali necessitate, ut docet *D. Thomas loc. supra cit.* surripiens alienum, suum efficit. Obligatio autem restitutionis eo casu non solum suspenditur, sed etiam vere extinguitur consumtione rei, quia dominus teneretur consentire consumtioni, adhuc si res apud ipsum inveniretur. Hoc tamen limitandum dico : 1. si ille sit pauper, non tantum re, sed etiam spe, ut diceamus in q. sequenti. 2. si pauper absolute indigeat re illa peculiari, nec aliter possit sibi subvenire, ut dixi in quæst. præcedenti.”—(p. 241. *ibid.*)

“ However, these reasons not opposing, I do not think *the first opinion improbable*, because a pauper in such a necessity, as St. Thomas teaches in the above mentioned place, in stealing the property of another, *makes it his own*. But not only is the obligation to restore suspended in that case, but even truly, by the consumption of the property it is extinguished, because the master would be bound to consent to that consumption, if as yet the property should come to himself. However, this, I say, is to be limited. 1. If he be a pauper not only in property but in hope, as we say in the question following. 2. If the pauper be absolutely in need of that peculiar property, and can not relieve himself by any other means, as I have said in the preceding question.”

Such is a specimen of the principles of our *Saint* on the subject of stealing. He admits in this, as in other already mentioned instances, the principle of “ doing evil that good may come.” He considers the question, “ whether a creditor can compensate himself.” He says :

“ Nec item furatur, qui accipit in compensationem justam, si aliter sibi debitum ac-

“ Neither does he commit theft, who receives a thing as a just compensation, if other-

cipere nequeat, v. gr. si famulus justum stipendum non possit aliter obtinere, vel iniuste inductus sit ad serviendum iniquo pretio. *Vide Laym. l. c. et Tolet. l. 3. c. 15.*"

" Nota quoad *compensationem*. I. quod compensationatio possit fieri etiam in alia specie, si non possit fieri in eadem. Croix. lib. 3. p. 1. n. 967.

" Nota II. quod compensatio regulariter peti debeat per judicium; sed hoc omittere est tantum veniale peccatum, ex Salm. de Rest. c. 1. n. 313. in fin. cum Lug. etc. *Viva in prop. 37. Innoc. XI. n. 1. ac Croix n. 965. Tamb. et aliis;* imo nullum, si alias timeantur inimicitiae, amissio expensarum, et similia, ut recte docet Laym.

" Nota III. quod, licet ad compensationem requiratur certitudo crediti, ex communissima apud Croix num. 962. quamplures tamen, et graves auctores ap. Salm. de Rest. c. 1. n. 320. admittunt, posse fieri compensationem cum credito, tantum probabili, in tribus casibus; scilicet, quando compensatur fama cum pecunia; infamia cum infamia data; et legatum relictum in testamento non solemini: sed *vide quæ de his diximus de conscientia l. 1. n. 35.*"—(p. 245. t. 3. n. 521. ibid.)

wise he can not receive what is due to him; for example, if a servant be unable otherwise to obtain a just stipend, or be unfairly induced to engage in servitude for an unjust price."

" Note as to compensation. 1. That compensation can be made even in another species, if it cannot be done in the same. Croix. lib. 3. p. 1. n. 967.

" Note in the second place, that compensation ought to be regularly sought by a trial; *but to omit this is only a venial sin*, ex Salm. de Rest. c. 1. n. 313. in fin. cum Lug. etc. *Viva in prop. 37. Innoc. XI. n. 1. ac Croix n. 965. Tamb. et aliis;* YEA IT IS NO SIN to omit that, if otherwise hostilities, costs, and such like, are dreaded, as Laym. *rightly* teaches.

" Note in the third place, that although to compensation a certainty of credit is required according to the most common opinion, apud Croix, num. 962. however many and grave authors, ap Salm. de Rest. c. 1. n. 320. admit that compensation can be made with credit only probable, in three cases; namely, when reputation is compensated with money; infamy returned with infamy, and a legacy left in a will not attested; but see what we have said concerning these things on conscience."

Such are the opinions of Liguori on this subject. He teaches that a servant, if he believe that he is not paid suffi-

ciently, or if, (compelled by poverty) he have made a bargain with his master for a certain stipend, which is less than he ought to receive, may compensate himself out of his master's property, if by going to law he would incur displeasure, loss, &c.

The condemnation of a proposition by Innocent XI. seems to be opposed to this, but our author easily reconciles it to his own view as follows :—

“ Nota hic propos. 37. Innoc. XI. quæ dicebat : *Famuli ac famulæ domesticæ possunt occulte heris suis surripere ad compensandam operam suam, quam majorem judicant salario quod recipiunt.* Sal. de 4. præc. n. 130. cum aliis, loquentes de hac propes. damn. dicunt I. quod, si famulus sine necessitate libere conveniat cum domino de stipendio inferiori, postea nihil possit sibi compensare ; secus, si ex necessitate, ad levandam nimisrum suam miseriam, conveniat de salario notabiliter minori justo. Ratio, quia decreta pontificia non intendunt obligare famulum contra justitiam.” — (p. 245. t. 3. n. 522. ibid.)

“ Note here the thirty-seventh proposition of Innocent XI. which said: ‘ Domestic servant men and women can steal from their own masters for the purpose of compensating themselves for their own labour, which they judge to be greater than the salary they receive.’ Salm. de 4. præc. n. 130. with others, speaking concerning this condemned proposition, say, 1. that if a servant without necessity, and of his own accord, make an agreement with his master for an inferior salary, he can not afterwards compensate himself ; OTHERWISE, if from necessity, for the purpose doubtless of alleviating his own misery, he agrees upon a salary notably less than just. *The reason is, because the pontifical decrees are not designed to lay servants under an unjust obligation.*”

Here then, we are absolutely taught that a servant who is compelled from poverty to make an agreement with his master for an inadequate remuneration, *may compensate himself*. This principle Liguori establishes by various authorities and arguments. He proceeds :—

“ Dicunt II. Salmanticenses quod, si famulus ex electione

“ The Salmanticenses say in the second place that if a

propria augeat operas debitas, nihil possit surripere; quia tunc censetur operam suam condonare ad conciliandam sibi domini gratiam: secus autem, si ex voluntate domini expressa, vel tacita; quia tunc servanda est regula illa, nempe, quod quivis operarius dignus sit mercede sua. *Ita Salmanticenses de 4. præc. c. 4. n. 136. et de Rest. cap. 1. n. 138. cum Mol. Sot. Vill. Nav. Dian. Fagund. Bass. et ita etiam Corella, cum Filguera, Toresil. Lastra, et Hozes super dict. prop. 37. consentitque huic Croix lib. 3. p. 2. n. 976.*"—(p. 246. t. 3. n. 523. cap. 1. de Furto, ibid.)

The question then arises, who is to be the judge of the amount to which the servant may compensate himself. Some whose names are given, think that the learned, the judicious, the *confessor*, should direct the domestic as to the amount of property of which he may take the liberty of possessing himself. However, Liguori thinks that *he himself* may be the judge.

"*Attamen Salm. de 4. præc. num. 137. dicunt famulum posse etiam ex proprio iudicio sibi compensare suam operam, si ipse certe judicet se majus stipendum mereri. Quod sane videtur satis probabile mihi et aliis doctis recentioribus, si hic famulus, vel quicumque aliis mercenarius sit vir prudens timoratus, et vere aptus ad recte judicandum ac certus sit de justitia compensationis, remoto omni hal-*

servant of his own choice, increase his labour he can not steal (surripere) anything; because, then he is considered to give freely his own labour, for the sake of conciliating the favour of his master. BUT OTHERWISE, if he do so from the expressed or tacit will of his master: because then the rule is to be observed, that the labourer is worthy of his hire."

"But the Salmanticenses, de 4. præc. num. 137. say that a servant can, *according to his own judgment*, compensate himself for his labour, if *he* without doubt judge that he was deserving of a larger stipend. Which indeed appears sufficiently probable to me, and to other more modern learned men, if the servant, or any other hired person be prudent, and capable of forming a correct judgment, and

lucinationis periculo." — (p. 246. t. 3. n. 524. *ibid.*)

be certain concerning the justice of the compensation, all danger of mistake being removed."

He teaches also that Christian captives, for the purpose of compensating themselves for the injuries they may have sustained, may steal the property of those by whom they are enthralled. I maintain that such principles are fearful in their character, and calculated to lead to the most evil consequences.
SERVANTS, IF THEY THINK THAT THEY ARE NOT ADEQUATELY PAID, MAY STEAL THE PROPERTY OF THEIR MASTERS TO REMUNERATE THEMSELVES !!!

Liguori, in *dubium II.*, considers what may be the quantity of stolen property necessary to constitute mortal sin; he says:

" *Variæ ea de re sunt sententiæ.* Nav. nimis scrupulose statuit medium *regalem*, alii nimis laxe 10. *aureos*; moderatius *Tol. Med. Less.* etc. duos *regales*, etsi minus sufficiat, si notabiliter noceat.

" *Resp.* Ea non mathematically, sed moraliter metienda est, non tantum ex valore rei ablatæ, sed etiam ex circumstantiis personæ, cui aufertur: si nimirum ei grave damnum inferatur, aut saltem caritas christiana graviter lædatur, quomodo respectu valde divitis imo etiam regis, unus, vel alter *aureus* notabile quid videtur: respectu vero mediocriter diutum, quatuor circiter *regales*, sive medius *imperialis*: respectu mechanicorum duo; respectu pauperis unus. Ita nunc plerique *cum Bonac.*" — (p. 248. t. 3. n. 526. *ibid.*)

" There are various opinions concerning this matter. Nav. too scrupulously has fixed the half of *regalem*, others with too great laxity have fixed ten *aureos*, *Tol. Med. Less.* &c., moderately have fixed two *regales*, although less might suffice, if it would be a serious loss.

" These things are not to be measured mathematically, but morally, not only according to the value of the thing stolen, but also according to the circumstances of the person from whom it is stolen: to wit, if he would suffer great loss or Christian charity be grievously violated, wherefore, in respect of a very rich man, or even of a king, one or two *aurei* appears something notable; but in the case of a man of moderate wealth, about four *regales*, or the half of an *imperial*;—in

the case of a mechanic, two ; in the case of a poor man, one."

According to this theology, it is not a great crime or a mortal sin to steal a comparatively large sum from a wealthy man.

He proceeds.

"Quoad hoc punctum, tam ad praxim scitu necessarium, nempe, quænam sit materia gravis in furto, operæ pretium est plura hic elucidare. Quidquid aliqui dicant, commune est apud DD. et non videtur posse negari, quod, ad determinandam hujus materiæ gravitatem, non possit absolute pro omnibus eadem quantitas assignari, sed ipsa dimetienda sit respective ad circumstantias personæ, rei, loci, et temporis; cum enim furti gravitas consistat in quantitate damni, quod proximo infertur, facile nocumentum, quod respectu unius leve erit, respectu alterius erit grave."—(p. 248. t. 3. n. 527. ibid.)

"As to this point, so necessary for a practical knowledge, viz : what may be the grievous matter in a theft, it will be worth while here to elucidate many things. Whatsoever some may say, it is the common opinion amongst divines, and it does not appear possible to be denied, that in determining the quantity of the matter the same quantity can not be absolutely assigned for all, but it is to be measured according to the circumstances of person, property, place, and time ; since the seriousness of the theft consists in the quantity of the loss which is sustained by the neighbour ; certainly a loss which will be light in respect of one man, will be grievous in respect of another."

He gives at great length the names of authors who support this view, and enumerates with great nicety, the various sums which, stolen from men of certain states and conditions in life, constitute mortal sin ; sums of money or property under that value when stolen, only constitute venial sin, and are not so grievous. The amount of guilt in theft is made to depend also on the *place* in which the sin is committed, for our author says :—

"Quæritur hic, an sit mortale furari parum reliquiæ sa-

"Here it is asked, whether it be mortal sin to steal a small

eræ? Nulli dubium, quin in districtu Romano sit mortale, cum Clemens VIII. et Paulus V. excommunicationem indixerint contra eos, qui, invitis rectoribus ecclesiarum, furantur reliquias etiam minimas: secus probabiliter ait Croix 1. 3. p. 1. n. 1603. cum Sanch. Castrop. Dian. et Badell. si quis furetur extra districtum aliquid minimum, ipsam reliquiam non deformans, neque minuens illius estimationem; nisi sit aliqua reliqua insignis, aut rara, ut puta sanctæ Crucis, capillorum B. Mariæ Virg. etc." — (p. 256. t. 3. n. 532. ibid.)

piece of a relic? There is no doubt but that in the *district* of Rome *it is mortal sin*, since Clemens VIII. and Paul V. have issued an excommunication against those who, the rectors of the Churches being unwilling, steal some small relic: otherwise, Croix probably says—1. 3. p. 1. n. 1603, with Sanch. Castrop. Dian et Badell, if any one should steal any small thing *out* of the district of Rome, not deforming the relic itself nor diminishing its estimation; unless it may be some rare or remarkable relic, as for example, the holy cross, *the hair of the Blessed Virgin, &c.*"

Thus it is a mortal sin to steal a relic *in* the district of Rome, but not a mortal sin to do so *out* of that district, provided that no indignity be offered to it.

In dubium III. he asks the question, "When he sins grievously who commits many small thefts?" he answers:

" Resp. Hic quoque quantitas læsionis, vel damnificationis, quæ fit proximo, et quam fur intendit, est mensura quantitatis peccati. Vide Less. loc. cit. Sanch. 1. 7. c. 21.

Unde resolves.

" Si quis ex occasione tantum furatur, sive uni, sive pluribus, modicum, non intendens notabile aliquid acquirere, nec proximo graviter nocere singulis furtis, non peccat graviter, neque ea simul sumta unum mortale constituunt; postquam tamen ad quanti-

" Here also the quantity of the loss or injury which the neighbour endures, and what the thief intends, is the measure of the quantity of sin.

Whence you will resolve.

" If any one on an occasion should steal only a moderate sum either from one or more, not intending to acquire any notable sum, neither to injure his neighbour to a great extent by several thefts, he does not sin grievously, nor do these, taken together, constitute a mortal sin; however, after it may have amounted to a nota-

tatem notabilem pervenerit, eam detinendo, mortaliter peccare potest. Less. d. 7. Sanch. lib. 7. c. 21. Bon. q. 8. p. 2. (*Etsi nunquam advertat ad culpam gravem, ut Tamb. Croix. dicenda. n. 553.*) Verum et hoc mortale evitabit, si vel tunc restituere non possit, vel animum habeat paulo post restitueudi ea saltem quæ tunc accepit. *Gran. Dian. p. 3. t. 6. r. 25.*"—(p. 257. t. 3. n. 533. ibid.) * * * *

“Quær. II. Si furtula, quæ simul ad magnum quantitatem pervenient, sint facta diversis dominis certis, an fur teneatur sub culpi gravi eis restitutionem facere; vel an satisfaciat, debita illa pauperibus distribuendo? Ex una parte, videtur dicendum sub gravi restitutionem faciendam esse dominis, nisi excusat periculum famæ amittendæ, vel gravissimum damnum aut incommodum.”—(p. 257. t. 3. n. 534. ibid.)

In certain cases the thief is excused from making restitution to those from whom he steals, if he make restitution to the Church.

“Unde videtur, quod sufficienter fur satisfacturus sit suæ gravi obligationi ex præsumto consensu reipublicæ, si restituat pauperibus, aut locis pii, qui sunt egentiores reipublicæ partes.”—(p. 258. t. 3. n. 534. ibid.)

ble sum, by detaining it, he can commit mortal sin. Less. d. 7. Sanch. lib. 7. c. 21. Bon. q. 8. p. 2. (*Etsi nunquam advertat ad culpam gravem, ut Tamb. Croix. dicenda. n. 553.*) But even this mortal sin may be avoided, if either then he be unable to restore, or have the intention of making restitution immediately, of those things which he then received.”

“Query II. If small thefts, which together amount to a large sum, be made from various known masters, whether a thief be bound under great blame to make restitution to them, or whether he may satisfy by distributing them to paupers? On the one hand it appears, that restitution should be made to the original possessors, *unless the danger of losing fame or very grievous loss or inconvenience excuse.*”

“Whence it appears, that a thief may have rendered sufficient satisfaction to his own weighty obligation from the presumed consent of the state, if he make restitution to paupers, or *pious places* which are the more needy parts of the state.”

In No. 536, he says :

“ Probabilissima est hæc sententia Bus. scilicet, si plures modica furentur, neminem peccare graviter, etsi mutuo sciant grave damnum domino fieri, nisi ex communi consilio faciant ; ita etiam tenent *Habert* t. 4. c. 7. § 5. qu. 6. *Lugo* d. 16. n. 55. *Salm. de Rest.* cap. 5. num. 28. cum *Less.* *Sanch.* etc. Et hoc, etiamsi singuli eodem tempore furentur ; ut cum Bus. censem *Less.* cap. 12. n. 24. (contra *Lugo*.) Ratio, quia tunc nemo est causa damni, quod, per accidens, ab aliis domino evenit.”—(p. 259. t. 3. n. 536. *ibid.*)

In dubium IV. Liguori considers, “ What is to be thought concerning the thefts of domestics or friends ?”—He teaches that a wife sins grievously if she steal a “ *notable* ” sum from her husband ;—she may dispose of his goods by giving them to the poor, under certain circumstances, *though he may have forbidden it.*

“ Uxor potest dare eleemosynam, et munera, secundum consuetudinem aliarum mulierum illius loci, et conditionis ; etiamsi maritus eleemosynas omnes illi prohibeat, quia consuetudo hoc jus ei tribuit, quo maritus eam privare non potest.”—(p. 261. t. 3. n. 540. *ibid.*)

Speaking of stealing on the part of sons, he says :

“ Dicit *Salas apud Croix* 1. 3. p. 1. n. 1032, non esse grave furtum filii 20. vel. 30. aureorum a patre, possidente

“ This opinion of Bus. is most probable, viz., if many persons steal small quantities, that none of them commit grievous sin, although they may be mutually aware of their conduct ; unless they do it by concert ; also *Habert*, t. 4. c. 7. § 5. q. 6. *Lug.* d. 16. n. 55. *Salm. de rest.* cap. 5. num. 28. cum *Less.* *Sanch.* etc., hold this view. and this, although each should steal at the same time. The reason is, because then no one person is the cause of injury, which, *per accidens*, happens by the others to the master.”

“ A wife can give alms and gifts, in accordance with the custom of other women of that place and condition ; although her husband may prohibit her from giving any alms, because custom hath appointed this right to her, of which her husband cannot deprive her.”

“ *Salas apud Croix*, 1. 3. p. 1. n. 1032, says, that a son does not commit grievous sin, who steals 20 or 30 *aurei* from a

annuos 1500, aureos, et non improbat *Lugo d. 16. a. n. 76.* Si pater non sit tenax, et filius adoleverit, et accipiat ad usus honestos. *Less. Nav. et Fill. ap. Spor. de 7. præc. c. 5. num. 57.* dicunt non peccare graviter filium furantem 2. vel 3. aureos a patre divite. *Bannez* dicit ad furtum grave filii parentis prædivitis requiri saltem 50. aureos: sed hoc *Lug. et La-Croix ll. cc.* rejiciunt: nisi forte esset filius principis, in quo consentit *Holzm. num. 755.* qui etiam dicit non esse grave accipere a parente prædivite decem aureos." — (p. 262. t. 3. n. 543. ibid.)

father possessing yearly 1500 aureos, and *Lugo* does not disapprove of it, d. 16. a. n. 76. If the father be not tenacious, and the son have grown up and receive it for honest purposes. *Less. Nav. et Fill. ap. Spor. de 7. præc. c. 5. num. 57.* say, that a son stealing 2 or 3 aureos from a rich father does not sin grievously; *Bannez* says, that 50 aureos are required to constitute a grievous sin on the part of a son who steals from a rich father: but this opinion *Lug.* and *La Croix II. cc.* reject; unless perchance he be the son of a prince, in which case *Holzm. consents*, num. 755, who even says that it is *not a grievous sin to receive ten aureos from a rich parent.*"

Such sentiments need no comment, as every one can perceive that they are immoral and sinful.

He gives a long treatise on the law of restitution, in which he teaches much that is absolutely antichristian. Space would not permit me to quote largely from this dissertation, designed chiefly for the direction of priests in the confessional, but the *animus* of the treatise may be seen in the extraordinary statements which he makes on thefts.

In connexion with this subject he asks a question, and answers it as follows:—

"Quæritur I. an adultera teneatur se prodere, si sciat prolem non esse legitimam, ad evitandum detrimentum mariti, et filiorum legitimorum? Affirmant *Adrian. Palud. etc. apud Croix 1. 3. p. 1. n. 332.* Sed negat *Sotus, Major,* et alii ib. nisi ingens sit damnum,

"Whether an adulteress be bound to betray herself, if she know that her offspring is not legitimate, for the sake of avoiding detriment to her husband and legitimate children? *Adrian, Palud. etc. apud Croix 1. 3. p. 1. n. 332.* affirm that she is, but *Sotus, Major,* and

nempe regni, principatus, et similis. Alii vero, ut *Cajetan. Less. Scotus, Vasq. Med. Ricc. etc. apud Lugo d. 13. n. 45.* negant ullo casu teneri matrem se infamare; et probant *ex cap. Officij 9. de Pœn. et Rem.* ubi dicitur: *Mulieri, quæ, ignorante marito de adulterio, prolem suscipit, quamvis id viro suo timeat confiteri, non est pœnitentia deneganda.*"—(p. 362. t. 3. n. 653. ibid.)

others *deny that she is*, unless there be great injury, for example, to the kingdom, principality, and the like. But others, as Cajetan, Less. Scotus, Vasq. Med. Ricc. etc., apud Lug. d. 13. n. 45, deny that in any case a mother is bound to make known her guilt, and they prove their views from cap. officij 9. de Pœn. et Rem., where it is said, —To the woman, who, the husband being ignorant concerning the adultery, receives offspring, although she may fear to confess that to her own husband, penance is not to be refused."

Liguori gives this as his opinion, so that *a confessor may give absolution to a woman guilty of adultery, whose offspring are illegitimate, and she is not bound to undeceive her husband.*

CHAPTER XIII.

CONTRACTS AND WILLS.

“Quæritur 3. an qui sciens obligationem contractus, velit quidem contrahere, sed nolit se obligare, remaneat obligatus in conscientia? Adest duplex sententia probabilis.

Primo sententia. affirmat cum Less. Soto, Dic. Pont. etc. apud Salm. de Matr. c. 1. n. 20.

Secunda vero sententia probabilius negat cum Sanch. de Matr. l. 1. d. 9. num. 5. Bonac. eod. tit. qu. 1. p. 1. num. 5. et Salm. ibid. n. 28. cum Pal. Con. Avers. Villal. Bec. Cornejo, etc. Ratio, quia conditio apposita, contraria substantiae contractus, contractum invalidat: qua ratione, *in cap. fin. de Condit. apposit.* dicitur quod conditio contraria substantiae matrimonii, ipsum annulet, licet adsit intentio contrahendi. *Vide d. de Juram.* 1. 3. c. 2. d. 5. vers. An autem; et de Voto, 1. 3. c. 3. d. 2. v. *Quæritur II:*—(p. 6. t. 4. n. 711. ibid.)

“It is asked, III. whether he who, knowing the obligation of a contract, wishes indeed to contract, but is unwilling to lay himself under an obligation, be bound to fulfil the contract?

There is a twofold probable opinion.—The first opinion affirms, that he is with Less. Soto, Dict. Pont. etc. apud Salm. de Matr. c. 1. n. 20.

But the second *more probable opinion denies that he is*, with Sanch. de Matr. l. 1. d. 9. num. 5. Bonac. eod. tit. qu. 1. p. 1. num. 5. et Salm. dict. n. 28. cum Pal. Con. Avers. Villal. Bec. Cornejo, etc. The reason is, because the apposite condition, the contrary of the substance of the contract, invalidates the contract: by which reason in *cap. fin. de condit. apposit.* it is said, that the contrary condition of the substance of matrimony annuls it, although *there is an intention of contracting.*”

Thus, in contracts, as in oaths, it is taught, that he who enters into the agreement without the mind of binding himself, *is not obliged to fulfil* the agreement.

The fearful consequences of such a principle may be at once perceived. I will only quote one other passage, which I do for the purpose of exhibiting the strange casuistry of our saint. Propriety forbids the translation ; I therefore give the passage in the original :—

“ Quæritur II. an, si vir donet aliquid feminæ ad extorquendam copulam, possit illa id retinere, copula non concessa. Si adfuerit pactum de copula explicitum, vel implicitum, tunc certe tenetur restituere ; secus vero, si donum datum sit ad animum alliciendum, quia datio illa fuit omnino liberalis ; quemadmodum si quis det pecunium episcopo tantum ad eum alliciendum, ut conferat beneficium, juste potest episcopus eam retinere, si non conferet. Ita communiter *C. de Lugo* d. 18. num. 49. *Mol. t. 3. d. 727.* *Rone. d. 7. præcept. c. 6. quæst. 2. et Salmantic. de Restit. c. 1. num. 165. cum Prado, Tap. Vill. Dic. Reb. etc.* Bene tamen advertunt Salm. ibid. difficulter excusari mulierem accipientem tale munus a peccato scandali, quia munere accepto vir ardenter et audacior redditur ad eam concupiscendam. Unde dixit *D. Thom. lib. 4. de Erudit. Princip. ex D. Hieronymo* : *matrona non est casta, quæ, cum rogatur, munera accipit.*” —(p. 10. t. 4. n. 712. ibid.)

On the subject of *Wills* and *Testaments*, he teaches, that the Pope, for a good cause, may change them, so that the will of the testator may be disregarded :—

“ Quæritur hic I. an summus Pontifex possit sine justa causa valide commutare ultimas voluntates testatorum. Nulli dubium quin Papa possit cum causa ultimas voluntates commutare, ut patet *ex Clem. Quia contingit, de Domib. relig.* ubi dicitur : *Ea quæ ad certum usum largitione sunt destinati fidelium, ad illum debeant, non ad alia (salva sedis apostolicæ auctoritate) converti.*” —(p. 214. t. 4. n. 931. ibid.)

“ Here it is inquired, I. whether the supreme Pontiff, without a just cause, can validly commute the last wills of testators ? There is no doubt that the Pope can, with a cause, change (commutare) last wills, as is evident from Clem. Quia contingit, de Domib. relig. where it is said, those things which by the largess of the faithful are designed for a certain use, ought to be applied to that purpose, not to be converted to others, (SAVING THE AUTHORITY OF THE APOSTOLIC SEAT.”)

The question now arises, whether a Pope can *without* a just cause commute wills; on this subject there are three opinions; some Romanists, whose names are quoted by Liguori, hold that he *can*, others hold that he can not; but one thing is admitted by *all Divines*, that the Pope, for a just cause, say for the good of the church, may alter wills and testaments.

In giving the causes for which an heir may be disinherited, he says:

“*Justæ causæ exheredandi filium sunt, ex Salm. c. 2. n. 90. 1. Si filius, cum peccato gravi, manus injiciat in parentem, aut ei contumeliam dicat, aut conetur eum occidere. 2. Si accuset parentem, aut sit testis vel procurator contra eum in causis criminalibus, mortis, exilii perpetui, vel infamiae, aut damni gravis; nisi crimen sit hæresis, vel læsæ majestatis.*”—(p. 232. t. 4. n. 948. ibid.)

“The just causes for disinheriting a son are, according to Salm. c. 2. n. 90. 1, if a son with grievous sin raise his hand against his parent, or speak reproach against him, or endeavour to slay him. If he accuse his parent, or be a witness or procurer against him in criminal causes, of death, perpetual exile or infamy, or of great loss, *unless it be the crime of heresy or of treason.*”

I quote this passage to shew the extreme view which Rome takes of heresy—the son who appears against his father in criminal cases and leads to his banishment or death, may be disinherited,—but there is an exception; a son may appear against his father if he be guilty of *heresy*, in comparison of which other crimes are as nothing.

In considering the precepts of the Church, he takes up the subject of fasting, upon which he enters at great length, stating with nicety the mode of fasting under various circumstances, and the excuses for not fasting.—It is a *mortal sin*, when there are no such excuses, not to comply with the precepts of the Church.

We have already seen in the treatise on dissimulation, that when a Romanist passing through an heretical country is in danger of losing his life or goods, he may violate this precept of the Church, by eating flesh meat on fast days, so as to pass for a Protestant!

He gives a long treatise on the religious and clerical state. He discusses the nature of the state itself,—its privileges,

vows, obligations, &c. In considering the state of secular priests he asks, "whether it is lawful to have many benefices," to which he answers in the affirmative for the following causes :—

- I. The necessity of the Church.
- II. The utility of the Church : a man distinguished for learning, prudence, &c., may be a pluralist.
- III. "Evidens meritorum prærogativa," i. e. if any one be skilled in teaching, in doctrine, writing, &c.

Thus pluralism is justified in principle, and we know to what extent this principle was carried out before the Reformation, when on one occasion, a priest had between four and five hundred benefices ! (*See Keightley's History of England.*)

Liguori also allows of *non-residence*.

CHAPTER XIII.

THE INQUISITION.

WE come now to his chapter on “*the power and office of the judge,*” and here we shall learn THE TENDER MERCIES OF THE WICKED WHICH ARE CRUEL, AND THE DREADFUL HOSTILITY AND EXTERMINATING PRINCIPLES, WHICH THE CHURCH OF ROME INculcates towards all those whom she pleases to call heretics. In discussing the office of a judge, Liguori, *the saint canonized in the 19th century*, brings before our view THE INQUISITION :

“WHAT IS REQUIRED IN A JUDGE ”

“ Resp. 1. Praeter tria dicta superiore dubio, requiritur scientia, qua sciat suo munere recti fungi. Ita commun. doct. et Bon. d. 10. q. 2. p. 3. Ratio est, quia quilibet teneatur scire ea quae pertinent ad proprium officium, et sine quorum cognitione munus suum et officium exercere non potest.” (p. 139. t. 5. n. 195. lib. 4.)

“ Answer 1. Besides the three things* mentioned in the last section, knowledge is required, by which he may know how to discharge the duties of his office. So commonly the doctors and Bon. d. 10. q. 2. p. 3. The reason is, because every one is bound to know those things which pertain to his proper office, and without a knowledge of which he is not able to exercise his own duty and office.”

So far very good. We learn, however, that the judge is subject to the priestly power in this matter.

“ Judex carens necessaria scientia non debet absolvī, nisi facta renuntiōne officii, vel nisi firmum habeat propositum renuntiandi.” * * * (p. 140. ibid.)

“ A Judge wanting the necessary knowledge ought not to be absolved unless he resign his office, or have a firm determination to do so.”

* Jurisdictio, rectus processus, recta intentio.

Liguori says—

“Tribus modis procedi potest contra criminosos : 1. via accusationis, cum est aliquis actor, qui spondet se objecta probaturum ; 2. via denunciationis, cum deferens crimen non vult suscipere onus probandi ; 3. via inquisitionis, quae est triplex : 1. generalis, quando in genere quæritur an leges serventur ; 2. specialis, quando de certa persona et certo crimine quæritur ; 3. mixta, quando vel sola persona vel crimen solum est speciale, ut si queratur, quis Caium occiderit.” (n. 197. ibid.)

“Revera judex nullum condemnare potest sine accusatore, ut communiter S. Th. Caj. Sanch. Sot. Less. etc. cum Salm. Append. de Offic. in fine t. 3. cap. 1. n. 47. Sed dicitur aliquando sufficere accusator virtualis, qui adesse censemur ; I. quando adest notorietas criminis, ita ut probabiliter negari haud possit ; quo casu dicitur *in c. ad nostram 2. de Jurejur. Manifesta accusatione non indigent, nec in eis ordo judiciarius observandus. Vide Salmant. num. 48.*” (n. 199. ibid.) .

“A Judge can proceed against the criminal in three ways : 1. by accusation, when there is some prosecutor who undertakes to prove the charges ; 2. by denunciation, when he who gives information of the crime, does not wish to undertake the *onus* of proving it : 3. by inquisition, which is threefold ; 1. general, when in general it is inquired whether laws are observed ; 2. special, when inquiry is made concerning a certain person and certain crimes : 3. mixed, when either a person alone, or a crime alone is special, as if it he asked, who slew Caius?”

“A Judge indeed cannot condemn any one without an accuser, as commonly S. Th. Caj. Sanch. Sot. Less. etc., cum Salm. Append. de offic. in fine t. 3. cap. 1. n. 47. teach. But a *virtual* accuser who is considered to be present, is sometimes said to suffice. I. When there is a notoriety of crime, so that probably in no wise can it be denied, in which case it is prescribed in *c. ad nostram 2. de Jurejur. Manifesta accusatione non indigent, nec in eis ordo judiciarius observandus. Vide Salmant. num. 48.*”

Liguori proceeds to give the other cases in which an *accuser*

may be dispensed with. They are, 2ndly, when public and general rumour attaches infamy to the accused ; 3rdly, when a crime in the presence of others is committed against the judge ; 4thly, (we give his own words) "when the crime is against the public weal or the king, AS IN THE CRIME OF HERESY or treason." Other cases are given in which the *inquisition* can proceed with the aid of public infamy or rumour.

Heresy is so fearful a crime, that it forms one of the exceptions to the general rule. If a man be thought guilty of heresy, the judge may depart from *his usual course* for the extermination of that which is so destructive to the public weal or the good of the Church.

Before we proceed further, let us inquire what is heresy. We find this very question put and definitively answered :—

"WHAT IS HERESY?"

"*Resp. Hæresis est error intellectus, liber, et pertinax contra fidem in eo qui fidem suscepit. Ita commun. Suar. Beccan. c. 14. qu. 2. Unde patet, ad hæresim, uti et apostasiam, duo requiri : 1. judicium erroneum, quod est ejus quasi materiale. 2. Pertinaciam, quæ est quasi formale Porro pertinaciter errare non est hic acriter, et mordicus suum errorum tenere, aut tueri ; sed est eum retinere, postquam contrarium est sufficenter propositum : sive quando scit contrarium teneri ab universalis Christi in terris Ecclesia, cui suum judicium præferat : sive id fiat ex vana gloria, sive libidine contradicendi, aliave causa. Sanch. Vasq. Laym. l. 2. t. 1. c. 13. et alii commun.*

Ratio est, quia "Answer. Heresy is a free and pertinacious error of the understanding against the faith, in him who receives the faith. So commonly Suar. Beccan. c. 14. qu. 2. Whence it appears, that to constitute heresy, as in the case of apostasy, two things are required. 1. An erroneous judgment, which is as it were material. 2. Pertinacity, which is as it were formal. Moreover to err pertinaciously is not bitterly and obstinately to hold one's own error, or to defend it ; but it is to retain it after the contrary is sufficiently propounded : or when he knows the contrary to be held by the universal Church of Christ upon earth, to which he prefers his own judgment : or when he does that from vain glory, or a de-

tunc putat judicium Ecclesiæ non esse sufficiens fundamen-
tum credendi, quæ est vera pertinacia, quam cum Koninck facilius sic explicant alii, eam tunc esse, cum, etsi objectum fidei credibiliter proponatur, ita ut prudenter de eo non possit dubitare, contrarium tamen judicet, a quo nolit avelli ullo casu, vel saltem nisi evidenter convictus. *V. Con. d. 8.*" (p. 121. t. 2. n. 19. cap. iv. de Infidel. lib. 3.)

sire of contradicting, or some other cause. Sanch. Vasq. Laym. l. 2. t. 1. c. 13. and others commonly. The reason is, because he thinks the judgment of the Church not to be a sufficient foundation of belief; which is true pertinacity, which with Koninck others more easily explain thus, that it then is pertinacity, when although the object of faith is credibly propounded, so as that prudently he cannot doubt concerning it, he however judges to the contrary, from which he is unwilling to be torn in any case, *or at least unless he be evidently convinced.*"

This is his proposition from which he draws several conclusions; for example, he says:—

"Est hæreticus, qui affir-
mative de aliquo articulo fidei
dubitatis, hoc est, judicat esse
dubium."—(ibid.)

"He is an heretic who affir-
matively doubts concerning
any article of the faith, i.e.
judges it to be doubtful."

His definitions are most important, we learn,

I. That heresy is an error of judgment against the faith, or the denial of an article of the faith.

II. That it is of two kinds, material and formal. The rustics, for instance, of Germany (he himself gives the example) are *material* heretics, not formal or pertinacious heretics, never having had the faith propounded to them. Pertinacious or *formal* heresy is to retain error after the contrary is sufficiently propounded. For example; a rustic is seized on the charge of heresy. The Romish creed is fully propounded to him, and arguments are urged in its support,—he still holds his own opinion, based upon the Scriptures and not upon the authority of Rome, called by Liguori the universal or Catholic Church;—he is unwilling to give up his faith, to use the words of Liguori, "*nisi evidenter convictus,*" "*unless he be evidently*

convinced ;" and because he so acts he is considered a *formal* or pertinacious heretic, and as we shall see by and bye he is handed over to the torture. In fact every man who acts in this manner, is a formal heretic, and as such punished, while those who *yield* their conviction to the authority of Rome are considered to have been material heretics. Heresy is the denial of an article of the faith. Pope Pius's creed is the faith :—the man who denies any one article in that formulæry,—Purgatory,—Transubstantiation,—the Mass,—the Supremacy of Rome, &c., is a *heretic*. All Protestants are heretics ; some material, some formal ; in other words, those Protestants who are *unacquainted* with their own religion, are material heretics,—those who are acquainted with its doctrines, and convinced of its truth, and prepared to sacrifice life itself rather than their religion, unless they be convinced that it is false, are *formal* and pertinacious heretics. We shall now consider how the Protestant or the heretic in the estimation of Rome is to be dealt with.

" Notandum III. Quod ad inquisitionem specialem plura requirantur : I. probatio corporis delicti, nisi sit crimen difficilis probationis ; II. accusator, saltem virtualis, ut supra n. 199: III. probatio loci, temporis, etc. IV. judex competens ; V. ut fiat inquisitio, antequam sint transacti viginti anni a die criminis. Vide hæc, et alia apud *Salm. de Offic. c. l. num. 159.*"—(n. 200. lib. 4.)

Speaking of the rules by which they are to be guided in the Inquisition, he gives the fourth, as follows :—

" Demum, si reus fateatur delictum, proceditur ad sententiam : si non, proceditur ad eum convincendum, vel ad torturam."—(n. 201. ibid.)

" It is to be noted, III. that for a special inquisition many things are required ; I. a proof of the substance of the crime, unless it be one of difficult proof : II. an accuser, at least a virtual one, as above, n. 199.* III. a proof of time, place, &c. ; IV. a competent judge ; V. That the inquisition be made before twenty years shall have elapsed since the day of the crime."

" Finally, if the accused confess his crime, the sentence is to be given ; if not, he is to be led to conviction OR THE TORTURE."

* The heretic is exempted from this privilege.

In article III. he considers the cases in which a judge may TORTURE *the accused*.

"*Respondetur. 1. Ad torquendum reum (si tamen torqueri potest) requiruntur aliquujus gravis criminis ea saltem indicia, quæ faciant semiplenam probationem, id est, reddant rem plus quam probabilem: qualia habentur, v. g. testis unus omni exceptione major.*"—(n. 202. *ibid.*)

"We answer, 1. That to torture the accused, (if he can be tortured,) the signs at least, of some great crime are required, which constitute a half full proof, that is, render the matter more than probable. Such are esteemed, for instance, one unexceptionable witness."

Having given other cases in which torture may be resorted to, he adds,

"*Quia tortura instituta est ad subsidium probationis, quando argumenta, et indicia sunt valde efficacia, ut sic plena probatio eliciatur.*"—(*ibid.*)

"Because TORTURE is a help to proof, when arguments and signs are very efficacious, that thus a full proof may be elicited."

Liguori gives various rules for the guidance of the judge in torturing the accused. He supposes also that persons will sometimes, to escape torture, make false confessions.

He considers the subject of accusation.

"*Quæres, an, et quis tenetur alterum accusare.*

"You ask whether any one be bound to accuse another.

"*Resp. 1. privatum raro ad id teneri: tum ex praxi timorum, tum quia alias tribunalia essent plena accusationibus, cum perturbatione reip.*

"We answer, 1. that private persons are rarely bound to do so: first, on account of the conduct of the timorous, secondly, because otherwise the tribunals would be full of accusations, to the disturbance of the state.

"*Dixi 1. privatum; quia, si quis a republica stipendium ob hoc accipiat, v. gr. fiscalis, etc. tenetur ex justitia, et consequenter ad damna, ex omissione accusationis secura.*

"I have said, 1. a private person, because if any one receive from the state a salary for this purpose, viz. a fiscal, &c. he is bound by justice to do it, and is liable for the losses

Filliuc. Bonac. in 8. præc. d. 10. q. 3. p. 1.

“ Dixi 2. raro; quia si exigat bonum publicum, verb. gr. si proditio imminens, vel grave damnum vitæ innocentis aliter averti non possit, et crimen facile probari possit, tenetur etiam privatus accusare, vel saltem denuntiare; id tamen ex caritate tantum, quæ restitutionem non importat. *Fill. Bon. l. c.*

“ Sed hæc omnia fusius examinanda. Quæritur, an aliquando teneamur alium accusare, vel denuntiare. Affirmo in sequentibus casibus.

“ Et I. quando agitur de communi damno vitando, et possit crimen probari: tunc enim docet *S. Thom. 2. 2. q. 68. art. 1.* obligationem esse accusandi. Crimina autem contra bonum commune sunt hæresis, rebellio, falsificatio monetarum, homicidia, et furta ab assassinis, aut viarum grassatoribus; addunt alii subordinationem suffragiorum in cathedralis, et in aliis electionibus. *Lugo* addit peccatum religiosi, quod probabiliter damnum religioni affert. Si vero crimen probari nequeat, sufficit, ut reus denuntietur. Et communiter vindicantur doctores concludere

which would follow from the omission. *Filliuc. Bonac. in 8. præc. d. 10. q. 3. p. 1.*

“ I have said rarely, because if the public good demand it, for example, if an impending conspiracy or a great loss of innocent life could not otherwise be averted, and the crime be capable of easy proof, a private person is also bound to accuse, or at least to denounce; that obligation, however, arises from charity only, which does not require restitution. *Fill. Bon. l. c.*

“ But all these questions are to be considered more at large. It is inquired, whether sometimes we are bound to accuse or denounce another. I answer in the following cases.

“ And, I. when it is made concerning the avoiding of some common evil, and the crime can be proved: for then St. Thomas teaches, that there is an obligation of accusing, 2. 2. q. 68. art. 1. **BUT THE CRIMES AGAINST THE COMMON GOOD ARE, HERESY, rebellion, forgery, homicide and thefts by assassins or highway robbers; others add the suborning of voters in cathedrals, and in other elections.** *Lugo* adds, the sin of a religious, which is probably injurious to religion. But if the crime cannot be proved, it suffices that the accused be denounced. And commonly the doctors seem

satis esse hisce temporibus delictum denuntiari, ne ob metum pœnæ incurrendæ, si illud non probetur, deterreantur homines a denuntione criminum cum gravi damno communi. *Ita Lugo de Just.* d. 38. s. 1. num. 2. *Sanch. cons. lib. 6. cap. 2. d. 2. num. 2. Cajet. Sot. Bann. Trull. Villal. etc. apud Salm.* d. c. 2. num. 10. Et sic servi ac filii denuntiare tenentur etiam delicta domini, et patris in commune detrimentum vergentia, ut Salmant. *ibid.* cum eisdem. Si vero crimen jam sit patratum, nec ullum damnum exinde immineat, quia delinquentem jam constat esse damnatum (excepto crimine hæresis,) non est obligatio denuntiandi, ut *Tol. Filliuc. etc. apud Salm.* n. 11.

“ III. Tenentur crimen denuntiare, vel accusare, qui ad id a rep. vel a dominis stipendum accipiunt, ut sunt fisciales, aut custodes agrorum, gabellarum, etc. alias tenentur ad restitutionem damnorum, quæ reipublicæ vel dominis ob omissionem accusationis obveniunt. *Ita Busemb. hic cum Filliuc. Navarr. Bann. etc. communiter apud Salm. c. 2. n. 13.*” —(n. 236. *ibid.*)

Liguori asks, who are prohibited from accusing ?

In answer, he says,—

to conclude that it is sufficient in these times that the sin should be denounced, lest on account of the fear of incurring punishment, if the crime be not proved, men should be deterred from the denouncing of crimes with a great common loss. So *Lugo de Just.* d. 38. s. 1. num. 2. *Sanch. cons. lib. 6. cap. 2. d. 2. num. 2. Cajet. Sot. Bann. Trull. Villal. etc., apud Salm.* d. c. 2. num. 10. And thus servants and sons are bound to denounce the sins even of a master or parent which threaten evil to the community, ut Salmant. *ibid.* cum eisdem. But if the crime have been already committed, and no detriment impend from thence, because it now appears that the delinquent is guilty (THE CRIME OF HERESY BEING EXCEPTED) there is not an obligation of denouncing.

“ II. They are bound to denounce a crime, or to accuse, who receive payment from their masters or the state for that purpose, as are fiscals, the guards of fields, &c. otherwise they are bound to make restitution for the loss, which the state or their masters may suffer from their neglect of duty.”

“ I. Prohibentur excommunicati ; infames ; publici concubinarii, aut usurarii ; de majoribus criminibus accusati nisi prius innocentia se demonstrent ; item fœminæ, impuberis. Excipe tamen 1. si isti prosequantur causam propriam, vel suorum, usque ad 6. gradum ; 2. si crimen sit contra legem divinam, aut humanam, cuius violatio cedat in damnum tertii ; 3. si crimen sit contra bonum commune. Quicunque autem, etsi non possit accusare, potest tamen denuntiare. *Vid. Salm. de Offic. c. 2. num. 26.*

II. Filii non possunt accusare parentes, nec e converso ; neque servi dominos, nisi crimen sit læsæ majestatis, vel hæresis. *Salmant. num. 27.*

III. Laici nequeunt accusare clericos, nisi clericus sit dilapidator bonorum ecclesiæ, aut hæreticus, simoniacus, sacrilegius etc., vel nisi laicus causam suam, vel suorum prosequatur.” * * * *

(n. 238. *ibid.*)

“ IV. Inimicus repellitur ab accusando delinquentem *ex c. cum oporteat, de Accus.* Et hoc valet etiam in crimenibus exceptis, ut supra, præter hæresim. Est commune cum

“ Excommunicate persons, the infamous, *public* keepers of concubines, or usurers ; also those accused of greater crimes are prohibited, unless beforehand they prove themselves innocent ; also females, boys. Except, however, the following cases, 1. if they prosecute their own cause or that of their families, as far as the 6th degree ; 2. if the crime be against the divine or human law, the violation of which tends to the loss of a third party ; 3. if the crime be against the common good (Liguori before mentioned that *heresy* is one of these crimes.) But every one, although he be not able to accuse, yet can denounce. *Vid. Salm. de offic. c. 2. num. 26.*

II. Sons cannot accuse parents, nor can parents accuse sons, neither servants, masters, unless for the crime of treason, or *HERESY*, *Salmant. num. 27.*

III. Laymen can not accuse clergymen, unless the clergyman be a waster of the goods of the Church, a *HERETIC*, a *simoniac*, or a *sacrilegious* person, or unless the layman prosecute his own cause, or that of his family.”

“ IV. An enemy is repelled from accusing the delinquent *ex c. cum oporteat, de Accus.* And this holds good also in excepted crimes, EXCEPT *HERESY*. The reason is, because

Salm. c. 2. ex num. 35. Ratio, quia tunc præsumitur accusatio semper procedere ex affectu vindictæ. V. Pariter repellitur socius criminis, ex leg. fin. cap. de Accusat. Excipiuntur tamen, quoad hoc, crimina hæresis, læsæ majestatis, falsificationis monetæ, sodomiae, furti famosi, et omnia alia, quæ sine socio fieri possunt.” —(idem.)

then the accusation is always presumed to proceed from the effect of vindictiveness. V. Likewise the companion of crime is repelled, ex. leg. fin. cap. de Accusat. However, in this respect the crimes of HERESY, treason, forgery, sodomy, well known theft, and all others which can be committed without an accomplice, are excepted.”

From all these passages, we observe that Rome uniformly places *heresy* amongst the worst crimes,—sodomy, forgery, &c. In the case of heresy, *the son is bound to denounce the father, and the father the son.* Rome rends the nearest and dearest tie: the father is bound to lead the heretical son to torture and death; the son is bound to act likewise toward the heretical father. But we have more to learn.—

“ Non peccas vero neque contra justitiam, neque contra caritatem, si accuses sine prævia monitione, in duobus casibus: I. Quando crimen est in damnum reipublicæ, ut conjuratio, delictum læsæ majestatis etc. et signanter hæresis, pro qua maxime est notanda prop. 5. damnata ab Alex. VII. quæ dicebat; *Quamvis evidentur tibi constet Petrum esse hæreticum, non teneris denuntiare, si probare non possis.* Ratio, quia in his criminibus nunquam, aut rarissime ex correctione speratur fructus, et mora valde nocere potest.” —(n. 241. ibid.)

“ You do not sin against justice or charity, if you accuse *without previous warning*, in two cases; I. When the crime is injurious to the public, as conspiracy, the sin of treason, AND ESPECIALLY HERESY, for which we should particularly note the fifth proposition CONDEMNED by Alex. VII. which said: ‘although it appears evident to you that Peter is a heretic, you are not bound to denounce him, if you can not prove it.’ The reason is, because in these crimes *rarely or never* is fruit expected to result from correction, and *delay* can be very injurious.”

From this passage we learn, I. that heresy is a fearful crime, greater than that of conspiracy, treason, &c., for it is *especially*

to be denounced. The Pope *condemned* the proposition in which it was maintained that one should not denounce an individual unless he were sure of his guilt. II. the accuser may denounce the accused without any *previous warning*. A father is suspected by his son of entertaining Protestant sentiments. The son taught by Rome denounces the confiding parent to the inquisition, without even a warning. At midnight the muffled coach rolls to the door, and the son having denounced his parent, gives him up to the inquisitorial officers to be tortured and put to death.

“ Notandum III. quod nemo, ut supra dictum est, teneatur denuntiare cum gravi suo incommodo, nisi crimen redundet in damnum commune reipublicæ aut religionis, ut crimen læsæ majestatis, hæresis etc.”—(n. 248. *ibid.*)

“ It is to be noted in the third place, that no one, as it is said above, is bound to denounce with a great loss to himself, unless the crime be fraught with injury to the commonweal, or to religion, as for example, the crime of treason, HERESY, &c.”

Again, he considers the question whether a son be obliged to denounce his parent, a wife her husband, or a husband his wife. Some authors think not, but Liguori holds the opposite opinion, as follows :—

“ Sed dicendum omnes ad denuntiationem teneri, ex eadem ratione ut supra, quia hæresis est pestis ita noxia, ut difficile habeat remedium, et facile in damnum vergat commune. *Ita Ronc.* p. 169. q. 1. r. 3. *Bonac. de Oblig. Denunt.* t. 2. d. 6. p. 2. n. 3. *cum Farin. Azor. Salm.* d. 1. *præc. c. 4. n. 106. cum Caj. Palao, Sanchez. Dian. etc. cum communi, ut testatur Potest.* n. 268. *et Viva super prop. 5. Alexandr. VII. num. 13.*”—(n. 250. *ibid.*)

“ *But all are bound to denounce* for the same reason as above, because *heresy is so NOXIOUS A PEST* that it may require a severe remedy, and very easily it may tend to the common loss. *Ita Ronc.* p. 169. q. 1. r. 3. *Bonac. de Obligat. Denunt.* t. 2. d. 6. p. 2. n. 3. *cum Farin, Azor. Salm. d. 1. præc. c. 4. n. 106. cum Caj. Palao. Sanchez. Dian. etc. cum communi, ut testatur potest, n. 268. et Viva super prop. 5. Alexandr. VII. num. 13.*”

“Rogabis autem infra quantum temporis blasphemii hæreticales denuntiandi sint. Loquendo generice de crimibus suspectis de hæresi, secundum edictum inquisitionis generalis Romanæ, tempus assignatum ad denuntiationes est mensis a die scientiæ legis, et cessantis impedimenti, ut asserunt Fel. *Potest. de Denunt. num. 238. pag. Mihi 535. Mazotta t. 1. pag. 276. quæst. 5. et auctor libri (Istruz. per li Novelli Confess. tom. 2. c. 14. n. 284.)* Loquendo vero præcipue de tempore requisito ad denuntiandos blasphemos hæreticales, dicunt Sporer. *de 1. præcept. Decal. cap. 10. num. 12. ex Decreto Alex. VII. de Suspectis de Hæres. et Salm. eod. tit. cap. 3. num. 129.* (sed forte hi loquuntur juxta edictum Hispaniarum) esse denuntiandos infra sex dies.”—(n. 252. *ibid.*)

“ You will ask within what time blasphemous heretical persons are to be denounced. In speaking generally concerning crimes suspected of heresy, according to the edict of the general Roman inquisition, the time assigned for denunciation is a month from the day of the knowledge of the law, as, assert Fel. *Potest. de Denunt. num. 238. pag. Mihi 535. Mazotta t. 1. pag. 276. quæst. 5. et auctor libri (Istruz. per li Novelli Confess. tom. 2. c. 14. n. 284.)* But in speaking especially concerning the requisite time for denouncing heretical blasphemous persons, Sporer de 1. præcept. Decal. cap. 10. num. 12. ex Decreto Alex. VII. de Suspectis de Hæres. et Salm. eod. tit. cap. 3, num. 129. say, (but perhaps they speak according to the decree of the Spanish Inquisition) that they should be denounced within six days.”

He teaches that those who do not discharge the duty of denouncing, should themselves be denounced; their punishment is very severe.

“Notandum III. juxta jus commune *ex Extravag. Excommunicamus*, eos, qui advertenter negligunt hæreticos denuntiare, incurrire excommunicationem ferendam: etsi juxta edictum Hispaniarum, ibi incurritur excommunicatio ipso facto, et reservata. Utrum

“It is to be noted in the third place, that according to the common law *ex Extravag. Excommunicamus*, those who purposely neglect to *denounce heretics*, incur excommunication to be issued: although according to the decree of the Spanish

autem in aliis regionibus haec excommunicatio sit reservata ? Affirmant *Salmanticens.* c. 4. n. 70. et *Potestas* num. 641. qui affert decretum S. C. Sed negant *Lupus apud Potestatem,* et *Bonacina l.c.* Vide t. 2. dub. 6." —(n. 254. *ibid.*)

Inquisition, excommunication *ipso facto* and reserved, is incurred. But whether this excommunication be reserved in other regions ? *Salmanticens.* c. 4. n. 70. et *Potestas* num. 641. who allege the decree, say that it is. But *Lupus apud Potestatem*, et *Bonacina l. c.* Vide t. 2. dub. 6. say that it is not."

He considers the way in which the confessor is to conduct himself toward the accused.

"*Observanda sequentia : 1. Instruat eum, quod, quae secum in foro conscientiae agit, cum judicibus non communicentur, ideoque sive sit nocens, sive innocens, id ei nec prodesse nec obesse possit. Ratio, quia alias multi conantur se falso probare innocentes, ut a confessario juventur : alii contra falso se nocentes dicunt, quod timeant ne confessarius conferat cum judicibus, ipsique revocentur ad torturam. Unde expedit : 1. ut non temere evulget confessarius accepta extra confessionem ; 2. ut ad confessionem sacramentalem reum non admittat, nisi postquam in foro profano res sunt liquidae, vix enim adigi poterit, ut omnia fateatur ob timorem, ne vel deferatur, vel cogatur eadem fateri judici ; ante tamen de contritione agendum est.*"

"The following things are to be observed : 1. That he instruct him that what things he reveals to him, (in foro conscientiae) will not be made known to the judge, and moreover that whether he be innocent or guilty, that it cannot be serviceable or injurious to him. The reason is, because otherwise many might endeavour falsely to prove themselves innocent, that they might receive the assistance of the confessor : others on the contrary falsely say that they are guilty, because they fear lest the confessor should confer with the judge, and they themselves be recalled to the *torture*. Whence it is expedient : 1. that the confessor do not *rashly* reveal things received extra confessionally ; 2. that he do not admit the accused to sacramental confession, until matters are made clear in the

secular court, for scarcely can he be compelled to confess all things by the motive of fear, lest his confession should be urged against him, or he be compelled to confess the same to the judge, before he make an act of contrition."

It appears that the confessor should not usually receive the culprit to the sacramental confession until after the court has pronounced its decision ; he, however, according to the above statement, is to induce him, if possible, to make known his state to him on the understanding that it should not be revealed. The Council of Antioch, we are informed, in this chapter, allows the confessor to work upon the feelings of the prisoner, by laying before his view the excruciating agonies of the *torture* ; with this, however, Liguori does not *quite* accord, but he directs that the confessor shall make himself well acquainted with the evidence adduced in the trial, so that he may be able to conduct himself prudently in his own *investigation*, and if it be necessary, *prudently* admonish the judge. (" Ut et prudentius possit in suo foro agere, et *judicem*, sicubi opus, *prudenter admonere*.")

The confessor then leads the culprit to think that nothing shall be revealed which he makes known to him. The admonition is given that he should not *rashly* disclose his discoveries, but *prudently* to admonish (*prudenter admonere*) the judge. This, however, is no violation of the seal of *sacramental* confession, to which the confessor is advised not to receive the penitent, " nisi postquam in foro profano res sunt liquidæ :" but methinks that this is *deception*.

Let us for a moment revert to heresy and its denunciation.—From the passages quoted, it will be seen that the heretic is a criminal of the worst character, being always classed with the man who is guilty of *treason, sodomy, sorcery, forgery*,—considered as he is, the pest of society, for which there is no cure but extermination.

The man who denies any one article of Pope Pius's creed is a heretic. Protestants are heretics in the estimation of Rome. Consistently with Romish principles can there be toleration for Protestants ? No ! Liguori was canonized in the year 1839,

and of the sentiments which we have quoted, Rome has declared that they are not censurable in “*one word*,” as given by the author.

Let Rome become ascendant, and then *the Protestant, regarded as a criminal of the worst kind, shall have no toleration, but torture and death must be his lot.* His house is not his castle, nor within his home circle—his own family, whose ties and sacredness Rome tramples beneath her feet, will he find sympathy and refuge. If he be a father, his son will rise against him,—the mother will forget the son of her womb,—if he be a husband, the wife of his bosom will forget her plighted love, and denounce him to the inquisition,—his foes shall be they of his own household. The man whose only crime is Protestantism, lingers in a dungeon, is racked and burned. Where is civil and religious liberty? not beneath the sway of Rome. Popery, fell system, though transformed into an angel of light, is a very demon personified!

Several persons, who have escaped from the power of the Inquisition, have written an account of their sufferings.

A Scotchman, named Lithgow, A.D. 1620, in his travels, was arrested, and sent to the Inquisition at Malaga. He was discovered and released through the interference of the English Consul; and, on his arrival in England, his case excited so much interest, that he was visited by His Majesty, King James I. He wrote a history of the treatment which he received, from which we give the following extract:—

“ After this, the alcalde and scrivan, being both chair-set, the one to examine, the other to write down my confession and tortures, I was by the executioner stripped to the skin, brought to the rack, and then mounted by him on the top of it; when, soon after, I was hung by the bare shoulders with two small cords, which went under both my arms, running on two rings of iron, that were affixed to the wall above my head. Thus being hoisted to the appointed height, the tormentor descended below, and drawing down my legs, through the two sides of the three planked rack, he tied a cord about each of my ankles, and then ascending upon the rack, he drew the cords upward, and bending forward, with main force, my two knees against the two planks, the sinews of my two hams burst asunder; and the lids of my knees being crushed, and the cords made fast, I hung for a large hour. At last, the encarnador informing the governor that I had the mark of

Jerusalem on my right arm, joined with the name and crown of King James, and done upon the holy grave, the corregidor came out of his adjoining stance, and gave directions to tear asunder the name and crown (as he said) of that heretic king, and arch-enemy to the holy Catholic Church. Then the tormentor, laying the right arm above the left, and the crown upmost, did cast a cord over both arms, seven distant times ; and then, lying down upon his back, and setting both his feet upon my hollow pinched belly, he charged and drew violently with his hands, making my womb support the force of his feet till the seven several cords combined in one place of my arm (and cutting the crown, sinews, and flesh to the bare bones) did pull in my fingers close to the palm of my hands ; the left hand of which is lame so still, and will be for ever.

“ Now mine eyes began to startle, my mouth to foam and froth, and my teeth to chatter like to the dabbling of drumsticks. Oh ! strange inhumanity of monster men-manglers ; surpassing the limits of their national law ; three-score tortures being the trial of treason, which I had and was to endure ; yet thus to inflict a sevenfold surplusage of more intolerable cruelties ; and notwithstanding of my shivering lips in this fiery passion, my vehement groaning, and blood-springing founts from my arms, broke sinews, hams, and knees ; yea, and my depending weight on flesh-cutting cords ; yet they struck me on the face with cudgels, to abate and cease the thundering noise of my wrestling voice.

“ At last, being loosed from these pinnacles of pain, I was, hand-fast, set on the floor, with this their incessant imploration, ‘ Confess, confess, confess in time, for these inevitable torments ensue ;’—where, finding nothing from me but still innocent,—‘ Oh ! I am innocent, oh ! Jesus ! the Lamb of God, have mercy upon me, and strengthen me with patience to undergo this barbarous murder.’

“ Then, by command of the justice, was my trembling body laid above and along upon the face of the rack ; with my head downward, inclosed within a circled hole, my belly upmost, and my heels upward toward the top of the rack ; my legs and arms, being drawn asunder, were fastened with pins and cords to both sides of the outward planks, for now was I to receive my greatest torments.

“ Now, what a potaro, or rack is, (for it stood by the wall,

declining downward;) it is made of three planks of timber, the upmost end whereof is larger than a full stride; the lower end being narrow; and the three planks joining together, are made conformable to a man's shoulders; in the downmost end of the middle plank there was a hole, wherein my head was laid. In length it is longer than a man, being interlaced with cords from plank to plank, which divided my supported thighs from the middle plank; through the sides of which exterior planks, there were three distant holes in every one of them, the use whereof you shall presently hear.

" Now the alcalde giving commission, the executioner laid fast a cord over the calf of my leg, then another in the middle of my thigh, and the third cord over the great of my arm, which was severally done on both sides of my body, receiving the ends of the cords from the six several places, through the holes made in the outward plank, which were fastened to pins, and the pins made fast with a device; for he was to charge on the outside of the planks with as many pins as there were holes and cords, the cords being first laid meet to my skin; and on every one of these six parts of my body, I was to receive seven several tortures, each torture consisting of three winding throws of every pin, which amounted to twenty-one throws in every one of those six parts.

" Then the tormentor having charged the first passage about my body, (making fast, by a device, each torture as they were multiplied), he went to an earthen jar standing full of water, a little beneath my head; from whence, carrying a pot full of water, in the bottom whereof there was an incised hole, which being stopped by his thumb till it came to my mouth, he did pour it in my belly; the measure being a Spanish sombre, which is an English bottle. The first and second services I gladly received, such was the scorching drought of my tormenting pain, and likewise, I had drunk none for three days before. But afterwards, at the third charge, perceiving these measures of water to be inflicted upon me as tortures,—O strangling tortures!—I closed my lips, gainststanding that eager cruelty. Whereat, the alcalde enraged set my teeth asunder with a pair of iron cadges, detaining them there at every several turn, both mainly and unamiable; whereupon, my hunger-charged belly waxing great, grew drum-like imbolstered; for it being a suffocating pain, in regard of my head,

hanging downward, and the water reingorging itself in my throat with a struggling force, it strangled and swallowed up my breath from yowling and groaning.

“ And now, to prevent my renewing grief, (for presently my heart faileth and forsaketh me), I will only briefly avouch that, between each one of these seven circular charges, I was always re-examined—each examination continuing half-an-hour,—each half-hour a hell of infernal pain,—and between each torment, a long distance of life-quelling time. Thus I lay six hours upon the rack, between four o’clock in the afternoon and ten o’clock at night—having had inflicted upon me three-score and seven torments. Nevertheless, they continued me a large half-hour, after all my tortures, at the full bending, where my body being all begored with blood, and cut through, in every part, to the crushed and bruised bones, I pitifully remained, still roaring, howling, foaming, bellowing, and gnashing my teeth, with insupportable cries, before the pains were undone and my body loosed. True it is, it passeth the capacity of man either sensibly to conceive, or I patiently to express, the intolerable anxiety of mind and affliction of body, in that dreadful time, I sustained.

“ At last, my head being by their arms advanced, and my body taken from the rack, the water regushed abundantly from my mouth ; then,—they reclothing my broken, bloody, cold, and trembling body, being all this time stark naked,—I fell twice in a sounding trance, which they again refreshed with a little wine and two warm eggs, not done out of charity, but that I should be reserved for further punishment ; and if it were not well known that these sufferings are true, it would almost seem incredible to many, that a man, being brought so low with starving hunger and extreme cruelties, could have subsisted any longer reserving life.

“ And now, at last, they charged my broken legs with my former eye-frighting irons ; and done, I was lamentably carried on their arms to the coach, being after brought and secretly transported to my former dungeon, without any knowledge of the town, save only these my lawless and merciless tormentors. Where, when come, I was laid, with my head and my heels alike high, on my former stones. The latter end of this woeful night, poor, mourning Hasier, the Turk, was sent to keep me ; and, on the morrow, the governor entered my room, threatening me still with more tortures to confess ; and so caused he

every morning, long before day, his coach to be rumbled at his gate ; and about me, where I lay, a great noise of tongues and opening of doors ; and all this they did on purpose to affright and distract me, and to make me believe I was going to be racked again, to make me confess an untruth ; and still thus they continued every day of five days to Christmas.

“ Upon Christmas-day, Marina, the ladies’ gentlewoman, got permission to visit me, and, with her licence, she brought abundance of tears, presenting me also with a dish of honey, sugar, some confections, and raisins in great plenty, to my no small comfort, besides using many sweet speeches for consolation’s sake.

“ The twelfth day of Christmas expired, they began to threaten me on still with more tortures, even till Candlemas. In all which comfortless time I was miserably afflicted with the beastly plague of gnawing vermin, which lay crawling in lumps, within, without, and about my body ; yea, hanging in clusters about my lips, my nostrils, and my eyebrows, almost inclosing my sight.

“ And for a greater satisfaction to their merciless minds, the governor called Areta, his silver-plate keeper, to gather and sweep the vermin on me twice in eight days, which tormented me almost to death, being a perpetual punishment ; for mine arms being broke, my hands broken and sticking fast to the palms of both hands, by reason of the shrunk sinews, I was unable to lift my arms, or stir my fingers, much less to avoid the filthy vermin ; neither could my legs and feet perform it, being impotent in all. Yet, I acknowledge, the poor infidel, some few times and when opportunity served, would steal the keys from Areta, and about midnight would enter my room, with sticks and burning oil, and sweeping them together in heaps, would burn the greatest part, to my great release ; or, doubtless, I had been miserably eaten up and devoured by them.”—*Hist. of Inq.*, p. 205. Lond. 1850.

What unparalleled cruelties, and yet the Church of Rome established the Inquisition ! Its officers were priests and bishops, and some passed from offices in the Inquisition to even the Pontifical chair. Surely such a Church has no claim to be regarded as the Church of “ the meek and lowly Jesus.” Her spirit seems to have been set on fire of hell. She breathes fury against the people of God, and is drunken with the blood of the saints and the blood of the martyrs of Jesus.

CHAPTER XV.

THE CONFESSORIAL.

IN entering upon this important and comprehensive subject, we will consider,

- I. The seal or secrecy of the confessional.
- II. The subject matter of confession or conversation between the priest and his penitent.
- III. The tendency of the confessional.

Liguori gives a treatise on the seal of the confessional, in which he fully states his own views as well as those of other divines as follow :

“ 633. Ante omnia pro dilucidatione quæstionum, quæ infra apponentur, videndum an in hac materia sigilli sacramentalis liceat uti opinionibus probabilibus ? *La Croix* 1. 6, p. 2. num. 1945. *ex Diana, Gobat. et Stoz, citatis præced. n.* 1945. tantum dicit expedire, quod sequamur sententias faventes sigillo. Sed melius *Viva in Append. ad propos. damn. § 2. circa fin.* ait neminem posse uti scientia habita ex confessione, nisi certum sit moraliter (aut saltem certe probabilissimum) quod ex tali usu nulla eveniat confessionis revelatio, et nullum pœnitenti gravamen. Ratio, tum quia hoc expedit reverentia debita sacramento ; (sed hæc

“ 633.—Before all things, for the exposition of the questions which are considered beneath, we must see whether in this matter of the sacramental seal it is lawful to use the probable opinions. *Croix* 1. 6. p. 2. num. 1945. *ex Diana, Gobat. and Stoz,* in the preceding quoted places n. 1945, only says that it is *expedient* that we should follow the opinions favouring the seal. But *Viva in append. ad propos. damn. § 2. circa fin.* more justly says, that no one can use the knowledge acquired in the confessional, unless it be morally certain (or at least certainly most probable) that from such a use or disclosure of the confession

prima ratio non satis convincit, cum plures et graves DD. *ut Sanchez, Pontius, Vasq. Salon. et alii citati lib. 1. n. 51.* doceant non esse obligationem reddendi sacramentis, prout ceteris præceptis divinis, reverentiam plusquam probabilem): tum quia aliter probabile gravamen pœnitenti inferretur, ob quod confessio odiosa ei redderetur. Et hæc ratio quidem valde urget; ut enim dictum est non est licitum uti opinione probabili in præjudicium juris certi, quod alter possidet; pœnitens autem possidet jus, ne occasione suæ confessionis ullum patiatur gravamen. Quidquid igitur alibi dixerim, re accutius perpensa, puto hic omnino dicendum, non licere uti opinionibus, ex quarum usu certum non sit moraliter, nullum pœnitenti gravamen inferri.

no injury to the penitent can happen. The reason is, because, in the first place, the reverence due to the sacrament requires this (but this first reason is not sufficiently valid, since many wise doctors, such as Sanchez, Pontius, Vasq. Salon. and others, quoted in book 1. n. 52. teach that there is no obligation of rendering to the sacraments, as to other divine precepts, a reverence more than probable.) In the next place, because otherwise the penitent would suffer a probable injury, on account of which the confessional would be rendered odious. And this reason indeed has great weight; for as it is said it is not lawful to use the probable opinion, to the prejudice of a certain right which another person possesses; but the penitent possesses a right that he should suffer no detriment from the occasion of his own confession. Whatsoever therefore I may have said elsewhere, having well reconsidered the matter, I think this is by all means to be said, that it is not lawful to use opinions from the use of which there is not a moral certainty that the penitent will suffer no loss.

“ 634.—Respond. 1. Si-gillum hoc est obligatio juris divini strictissima in omni casu, etiam quo integri regni salus pericitaretur, ad tacen-

“ 634.—It is answered, 1. That this seal is an obligation of divine right, most strict in every case, EVEN WHERE THE SAFETY OF A WHOLE NATION

dum, etiam postmortem pœnitentis, dicta in confessione (id est in ordine ad absolutionem sacramentalem) omnia, quorum revelatio sacramentum reddebet onerosum, vel odiosum.

Unde resolves.

“ 635.—‘ 1. Violatio hujus sigilli duplēcē habet malitiam : sacrilegii, contra reverentiam sacramento debitam, et injustitiæ, ex pacto virtuali inter pœnitenteū, et confessariorum de secreto istoservando omni casu.’ Dian. p. 5. t. 11. r. 2. ex Fag. Kellis. etc. Neque hic datur parvitas materiae. Dian. p. 5. t. 5. r. 8. ex Malder. Bald. etc. (*Melius dicendum quod triplicem habet malitiam, nempe sacrilegii contra sacramentum; infidelitatis gravis, cum ex parte confessarii intercedat onerosa, quamvis tacita, promissio secretum servandi; item detractionis, si peccatum non sit publicum. Ita Spor. Roncagl. Croix, et alii communiter.*)

WOULD BE AT STAKE, to observe silence, even after the death of the penitent, as to all things spoken in confession, (spoken in order to obtain sacramental absolution) the revelation of which would render the sacrament itself grievous, or odious.

Whence you will resolve.

“ 635. ‘ 1. The violation of this seal involves a twofold wickedness: of sacrilege against the reverence due to the sacrament, and of injustice, from the virtual compact between the penitent and the confessor concerning the observance of secrecy in every case. Dian. p. 5. t. 11. r. 2. ex. Fagund. Kelliston, etc. Neither is the insignificance of the matter here to be taken into account. Dian. p. 5. t. 5. r. 8. ex. Malder, Bald. etc. (We say more justly that it possesses a threefold wickedness, viz. the sin of sacrilege against the sacrament; of grievous unfaithfulness since the weighty though tacit promise on the part of the confessor, of keeping the secret intervenes; also of detraction, if the sin be not public. Ita Spor. Roncagl. Croix, et alii communiter.)

“ 636.—‘ 2. Non inducitur hæc obligatio 1. per confessionem factam ficte, v. gr. ad furandum, illudendum, vel sacerdotum pervertendum (*vel*

“ 636.—‘ 2. This obligation is not undergone, 1. by a confession feignedly made, for instance, for the purpose of stealing, mocking, corrupting

ad se conquerendum,) etsi hoc casu adhuc prudenter tacendum sit. Vide Dian. p. 5. t. 11. r. 26. (Est commune cum Holzm. n. 703. Conc. p. 737. et aliis passim.) 2. Si quis extra confessionem accipiat aliquid sub sigillo confessionis; quia tantum est obligatio secreti naturalis gravior, aut levior, pro rei exigentia. (Ita etiam Conc. et Holzm. ll. cc. ac Nav. Man. c. 8. n. 18. cum Inn. Pan. Caj. Soto, et comm.)'

the priest, (or for making complaints) although in this case even it may be prudent to be silent. *Vide Dian. p. 5. t. 11. r. 26. (Est commune cum Holzm. n. 703. Conc. p. 737. et aliis passim.) 2. If any one extra confessionally receive any thing under the seal of confession; because in such a case the obligation is that only of a natural secret, which is more or less binding according to the emergency of the case. (Ita etiam Conc. et Holzm. ll. cc. ac Nav. Man. c. 8. n. 18. cum Inn. Pan. Caj. Soto, et comm.)'*

" 637.—Nota hic I. quod confessarius tenetur ad sigillum, etsi poenitens discedat indispositus, modo iste dixerit peccata ad obtinendam absolutionem. *Ita S. Thomas in 4. d. 21. q. 3. art. 1. ad 1. Lugo d. 93. num. 45. Conc. p. 737. n. 5. Ronc. p. 99. q. 2. Holzm. n. 703. Spor. n. 809. et, Salm. de Pœnit. c. 14. num. 15. ex communi.* Notandum II. quod adhuc in dubio an aliquid sit dictum a poenitente in ordine ad confessionem, confessarius teneatur ad sigillum, *Suarez, et alii apud Salm. c. 14. n. 18. communiter; item Bonac. q. 6. p. 2. num. 4. cum Reg. Graff. Suarez, et aliis; item Renzi p. 320. q. 6. Tambur. c. 3. num. 29. Mazotta p. 582. Croix num. 1946. cum Regina*

" Note here, I. That a confessor is bound to the seal, although a penitent depart indisposed, provided only that he have told his sins for the purpose of obtaining absolution. *Ita S. Thomas in 4. d. 21. q. 3. art. 1. ad 1. Lugo d. 93. num. 45. Conc. p. 737. n. 5. Ronc. p. 99. q. 2. Holzm. n. 703. Spor. n. 809. et, Salm. de Pœnit. c. 14. num. 15. ex communi.* It is to be noted, II. that a confessor, as yet in doubt whether any thing may have been spoken by the penitent in due order at the confessional, is bound to the seal. *Suarez, et alii apud Salm. c. 14. n. 18. communiter; item Bonac. q. 6. p. 2. num. 4. cum Reg. Graff. Suarez, et aliis; item Renzi p. 320. q. 6. Tambur.*

et Schildero contra Baldi.
Ratio, quia alias redderetur odiosa confessio, dum alioquin plura peccata revera in confessione auditæ, ob defectum memoriae, et hallucinationem confessarii possent impune manifestari.

“ 638.—‘ 3. Non frangitur sigillum, I. si in genere dices, Titium tibi confessum esse venialia aut esse probum, innocentem, modo non dicas in iis circumstantiis, ex quibus colligi posset, alios esse nocentes, vel confessos mortalia. II. Si dicas N. tibi esse confessum, etsi in certis circumstantiis hoc quoque periculosum sit. *Laym. c. 14. n. 21.* Imo, si pœnitens verbo, vel facto (v. gr. clam accedendo,) significaverit, se nolle sciri quod sit confessus, confessarium revealare sigillum volunt *Regina, Navarrus, et Mercer,* apud Dianam t. 5. tract. 11. resol. 47. (*Et recte consentiunt Sporer num. 825. et Holzm. n. 708. cum aliis*) quia pœnitens, confitendo confessario extraordinario veniret in suspicionem gravioris criminis, quod Tamb. in append. c. 3. dubie confirmat: asserens se vereri ne talis accedat ad fractionem sigilli. III. Si peccata ita referas, ut, moraliter loquendo, persona innotescere non possit,

c. 3. num. 29. *Mazotta p. 582. Croix num. 1946. cum Regina et Schildero contra Baldi.* Because, otherwise, the confession would be rendered odious, since in any other case, many sins really heard in confession could be made known with impunity on account of the forgetfulness and mistake of the confessor.

“ 638.—‘ 3. The seal is not broken, I. if you say in general terms that Titius confessed venial sins to you, or that he was honest and innocent, provided you do not speak concerning those circumstances from which it could be inferred that others were guilty or had confessed mortal sins. II. If you say that he confessed to you, although in certain circumstances, this also is perilous. *Laym. c. 14. n. 21.* Yea, if the penitent, by word or deed, (for example by secretly coming) should intimate that he was unwilling that it should be known that he had confessed, *Regina, Navarrus, and Mercer.* apud Dianam, wish the confessor to break the seal, t. 4. tract. 11. resol. 47. (And rightly Sporer num. 825. and Holzm. n. 708. with others consent to this) because the penitent, by confessing to a confessor extraordinary, would fall into the suspicion of greater crime, which Tamb. in append. c. 3. doubtfully

neque communitas aliqua etiam parva infametur, ut quod ibi talia vitia regnent. *Vide Dian. l. 2. tract. 15. res. 13.* id enim esset contra sigillum. (*Vide infra num. 654.*) Unde Turrian. apud Dian. part. 5. tract. 11. r. 45. et Tamb. in append. c. 3. reprehendunt superiorem localem, qui provinciali forte dicat, in sua domo saepe postulari licentiam absolvendi a reservatis: quia potest redundare in ignominiam, et damnum domus; etsi idem Tamb. c. 4. n. 2. dicat probabile esse quod non sit contra sigillum, si dictae licentiae petitae fuerint extra confessionem. IV. Si utaris notitia extra confessionem acquisita, imo ipsum peccatum, quod aliunde tibi innotuit, aperias, modo nullam circumstantiam ex sola confessione notam, nec certius referas, quam extra confessionem nosti, quo in casu opus est magna cautela, et tutissimum est silere. *Laym. c. 14. n. 16.*

confirms; asserting that he fears lest such might lead to the breaking of the seal. III. If you so mention the sins, that speaking morally, the person can not be known, neither can any community, even a small one, be defamed, as that such vices reign there. See Dian. l. 2. tract. 15. res. 13. for that would be contrary to the seal. Hence Turrian. apud Dian. part 5. tract. 11. r. 45. and Tamb. in append. c. 3. blame the local superior, who perchance says to the provincial, that in his own house a license to absolve from reserved cases was often sought: because it can redound to the reproach and loss of the house; although the same Tamburin. c. 4. n. 2. says, that probably it would not be a violation of the seal, if the said licenses were sought out of confession. IV. If you use the knowledge acquired out of confession, yea, if you make known the sin itself, which by other means became known to you, provided that you mention no circumstance known from confession alone, neither more certainly relate it, than you have known it out of confession, in which case there is need for great caution, and it is safest to be silent. Laym. c. 14. n. 16.

“ 639.—‘ 4. Quando plures, v. gr. studiosi, vel aulici etc.

“ 639.—‘ 4. When many persons, for example, students,

tenentur ferre testimonium confessionis, confessarium teneri id dare, etiam iis, quos non absolvit, docent *Coninck. disp. 6. d. 1. Fagundez et Dian. p. 3. tr. 15. r. 14.* tum ne id negando prodat aliquo modo sigillum, et pœnitentem; tum quia dando non mentitur, cum tantum testetur, esse confessum. Verum *Bonac. d. 5. q. 6. p. 4. et cardin. de Lugo d. 21. s. 3.* docent tali schedam negare non esse contra sigillum. Idemque concedit *Avers. p. 18. s. 2.* si non constet pœnitentem accessisse ad hunc confessarium: tum quia nihil dicit, sed tantum non approbat testimonio positivo confessionem, ad quod non tenetur, nec quidquam facit, ex quo possint cognosci delicta pœnitentis; tum quia alias via aperiretur fraudibus, et multi improbi parochos in paschate deciperent; tum quia potest esse consuetudo ut scribatur absolutum esse; quod falsum erit, si scribat, et si omittat, sigillum franget; tum quia scandalosum erit, et iniquum, publicæ meretrici perseveranti (uti et occulto peccatori, sic pallianti suam iniquitatem) testimonium dare confessionis; neque confessario imputandum erit, quod eum positive non defendat.'

courtiers, &c., are bound to produce a testimonial of having attended confession, *Coninck. disp. 6. d. 1. Fagundes and Diana, p. 3. tr. 15. r. 14.* teach that the confessor is bound to give that, even to *those whom he does not absolve;* first, lest by refusing he might betray in some manner the seal and the penitent. Secondly, because, by giving it he does *not lie, since he only bears testimony that he confessed.* But *Bonac. d. 5. q. 6. p. 4.* and *Cardinal de Lugo, d. 21. s. 3.* teach that to deny a certificate to such, would not be an infringement of the seal. And *Avers* concedes the same, *p. 18. s. 2.* if it be not known that the penitent approached to the confessor; first, because he says nothing, but only does not prove by positive testimony the confession, to which he is not bound, neither does he do any thing from which the sins of the penitent could be known. Secondly, because otherwise, a way would be opened for frauds and many wicked persons would deceive the Parish Priests at Easter; again, because he establishes a custom that he may certify in writing, that the penitent was absolved, which will be false if he write it, and if he omit to do so, he will break the seal. Lastly, because it will be scandalous and unjust

to give a testimonial of confession, to a public courtezan continuing in sin, (as also to a concealed sinner, thus palliating his own iniquity), neither will it be imputed to the confessor that he did not positively defend him.'

" Probabilius est et communius quod, si in schedula scriptum sit pœnitentem tantum esse confessum, schedula sit concedenda; *ut tenent Laymann de Pœnit. cap. 14. n. 8. auctor de Offic. Conf. apud Croix q. 3. Sporer de Pœnit. c. 7. n. 839. Roncagl. c. 7. q. 4. Elbel n. 492. Croix num. 1994. et Holzm. num. 708. cum Stoz. et Diana,* qui negare schedulam, idem esset ac indirecte revelare eum non esse rite confessum. Et hoc est contra Bonac. q. 6. s. 5. p. 4. n. 7. qui ait negandum esse, et contra Lugo d. 23. n. 87. qui cum Henr. dicit posse negari, quia, licet confessarius non possit revelare peccatum, non tenetur tamen testimonio positivo illius confessionem approbare. Sed huic rationi non acquiesco; quia, esto non teneatur cooperari approbationi illius confessionis, tenetur tamen vitare indirectam revelationem, quæ negata schedula, vitari non potest. secus vero si confessarius in schedula deberet scribere pœnitentem non solum esse confessum, sed etiam absolutum;

" It is more probably and commonly held, that if in the parchment it be only written that the penitent confessed, that testimonial may be granted; as Laymann. de Pœnit. cap. 14. n. 8. auctor de offic. conf. apud Croix. q. 3. Sporer de Pœnit. c. 7. n. 839. Roncagl. c. 7. qu. 4. Elbel. n. 492. Croix. num. 1994. et Holzm. num. 708. cum Stoz. et Diana, hold, because to deny the certificate, would be the same as indirectly to reveal that he was not duly confessed. And this is against Bonac. q. 6. s. 5. q. 4. n. 7. who says that it can be refused, and against Lugo, who with Henr., says, that it can be denied, because, although a confessor can not reveal a sin, however he is not bound to prove with positive testimony his confession. *But to this reason I do not give my acquiescence;* because, although he is not bound to cooperate to the proof of that confession, however, he is bound to avoid an indirect disclosure, which, if the certificate be denied, can not be avoided. But otherwise, if

quia, cum mendacium sit intrinsece malum, nunquam proferri potest, ut communiter docent DD. Lugo d. 23. num. 87. Pal. de Pœn. p. 5. n. 13. cum Croix, Sporer, Roncagl. Laym. ll. cc. Si tamen schedulæ essent jam typis editæ, quibus asseritur absolutio impertita, videtur probabile (ut aliqui recentiores dicunt) tradi posse confessis non absolutis, saltem si publice petant, quia tunc confessarius nullum profert, aut scribit mendacium, sed tantum materialem actum operatur, talem schedulam tradendo.

the confessor ought to write in the parchment, that the penitent not only confessed, but was absolved; because, since a lie is intrinsically evil, it can never be told, as the doctors generally teach, Lugo, d. 23. num. 87. Pal. de Pœn. p. 5. n. 13. cum Croix, Sporer. Roncagl. Laym. ll. cc. But if the certificate be now printed, in which it is asserted that absolution was given, it appears probable, (as some more recent say), *that they may be given to those who have confessed, but who did not receive absolution*, at least, if they publicly seek it, because then the confessor tells or writes *no lie*, but only performs *a material act* in giving such a certificate.

" 640.—' 5. Sub sigillum cadunt I. omnia peccata pœnitentis, tam futura, quam præterita (si quidem hæc animo se accusandi sint manifestata: secus, si per modum simplicis narrationis, vel ut confessarium ad simile peccatum induceret. Dian. p. 5. t. 11. r. 25. ex Suar. et aliis octo.) Ideoque is peccat mortaliiter, qui sive directe sive indirecte aperit aliquod veniale in particulari, etiam leve Titii; quia materia sigilli parvitatem non habet, ut est omnium fere sententia apud Dianam p. 5. t. 5. r. 8. et Tambur. in append. c. 8. (*Secus, si confessarius*

" 640.—' 5. Under the seal, fall I. all sins of the penitent, future as well as past, (if indeed with the intention of accusing himself, these sins may have been manifested: otherwise, if they are told in the way of a simple narration, or that he should induce the confessor to commit the same sin. Dian. p. 5. t. 11. r. 25. ex Suar. et aliis octo.) And therefore he sins mortally, who either directly or indirectly discloses any venial sin in particular, even a trifling one of Titius; because the matter of the seal does not regard the smallness of the offence, as is

*dicat pœnitentem confessum fuisse materiam venialem, non autem plura venialia; Sporer n. 830. Laym. c. 14. n. 6. Holzm. num. 706. et Salm. de pœn. cap. 14. n. 22. cum Suar. Lugo, Nav. etc.) vel qui in genere dicit, eum sibi confessum esse aliquod mortale, vel casum reservatum, vel excommunicationem, vel non esse absolutum ob indispositionem. Imo confessorem qui dicat absolute, *Ego Petrum non absolvvi*, frangere sigillum dicit Diana p. 5. tract. 11. r. 42. ex Suarez, et aliis novem. II. Cadunt etiam peccata complicis, sive prudenter, sive imprudenter dicta. Suarez, Vasquez, et communiter apud Dian. p. 3. t. 4. r. 111. An vero liceat interrogare de complice ad ejus correctionem faciendam, illamque ex licentia pœnitentis facere? Affirmant Suarez. et Fag. contra Bonacin. Lorcam. Nugnum et alios Thomistas. Vide Dian. p. 3. t. 4. r. 113. cardinal. de Lugo d. 16. num. 426. ubi docet posse aliquando pœnitentem a confessario obligari, et cogi ad manifestandum complicem extra confessionem. (*De hoc vide omnino dicta num. 491.*)'*

the opinion of almost all divines, apud Dianam p. 5. t. 5. r. 8. et Tambur. in apend. c. 8. (Otherwise, if the confessor say that the penitent confessed a venial matter, but not many venial sins; Sporer n. 830. Laym. c. 14. n. 6. Holzm. num. 706. et Salm. de pœn. cap. 14. n. 22. cum Suar. Lugo. Nav. etc.) or he, who in general terms, says that he confessed to himself some mortal sin, or reserved case, or excommunication, or that he was not absolved on account of indisposition. Yea, Diana p. 5. tract. 11. r. 42. ex Suarez, et aliis novem, says, that the confessor, who absolutely affirms, I did not absolve Peter, breaks the seal. II. The sins of an accomplice, also, whether prudently or imprudently mentioned, fall under the seal. Suarez, Vasquez, et communiter apud Dian. p. 3. t. 4. r. 111. But whether it is lawful to make inquiries concerning an accomplice, so as to correct him, and to do that with the permission of the penitent? Saurez and Fag. in opposition to Bonacin. Lorcam, Nugnum, and other Thomists, answer in the affirmative; see Dian. p. 3. t. 4. r. 113. Cardinal de Lugo, de 16. num. 426, where he teaches, that sometimes a penitent can be obliged and compelled, by a confessor, to

" 641.—Dubitatur, 1. an possit confessarius monere complicem de licentia pœnitentis? *Prima sententia* (sed non satis probabilis) negat; et hanc tenent Tambur. Meth. Confess. App. de Sigillo c. 3. num. 7. cum Vasquez. item Sot. Palud. Ang. Tann. etc. apud Croix n. 1959. ac probabilem putat Diana p. 5. tr. 11. r. 24. Ratio prima, quia hoc esset etiam contra sigillum, cum etiam peccata complicis sub sigillo cadunt. Ratio secunda, quia alioquin confessio redderetur aliis odiosa, etsi non pœnitentibus. Secunda vero sententia communissima, et vera, affirmat, eamque tenet D. Thomas, Opusc. 12. q. 6. ubi docet non licere revelare in confessione personam complicis, nisi salvato ordine correctionis fraternæ. Ergo ex licentia pœnitentis potest confessarius complicem corrigere. Item S. Anton. 3. p. tit. 14. c. 29. §. 11. Suar. d. 34. sect. 4. n. 4. Lugo d. 23. num. 138. Pal. p. 19. § 3. n. 16. Roncagl. p. 100. q. 4. r. 2. Diana loc. cit. et Croix ib. cum Adr. Gers. Navarr. Henriq. Dic. Aversa, et Ill-sung. Ratio, quia complex ex confessione alterius complicis nullum jus acquirit ad sigillum sacramentale: hoc enim sigillum institutum est tantum in

make known the accomplice out of confession.'

" 641.—It is doubted, I. whether a confessor can admonish an accomplice, with the license of the penitent? The first opinion (but not sufficiently probable) denies that he can; and this opinion Tamb. Meth. Confess. App. de Sigillo c. 3. num. 7. with Vasquez, also Sot. Palud. Ang. Tann. etc., apud Croix. n. 1959, hold, and Diana thinks it a probable opinion, p. 5. tr. 11. r. 24. The first reason is, because this would be contrary to the seal, since even the sins of an accomplice fall under the seal. The second reason is, because otherwise confession would be rendered hateful to others, even to those who are not penitents. But the second opinion—most common and true, affirms that a confessor can admonish the accomplice, with the permission of the penitent; and St. Thomas, Opusc. 12 q. 6. holds this opinion, where he teaches that, it is not lawful to reveal in confession, the person of an accomplice, (unless for brotherly correction.) Therefore, with the license of the penitent, a confessor can correct an accomplice. Item S. Anton. 3. p. tit. 14. c. 29. § 11. Suar. d. 34. sect. 4. n. 4. Lugo. d. 23. num. 138. Pal. p. 19. § 3. n. 16. Roncagl. p. 100 q. 4.

favorem pœnitentium, unde sequitur naturam aliorum sacramentorum, in quibus jus secreti acquiritur ei soli, qui illud committit, et ideo, sicut solus pœnitens sigillum ponere potest, ita ipse solus potest auferre, et sic respondetur 1. rationi. Nec obstat dicere, quod confessio sic aliis odiosa redderetur: nam revera id tantum reddit odiosam confessionem, quod pœnitentes a confessione retrahit; et hoc quidem odium est omnino vitandum ex hujus sacramenti institutione, non autem quocunque odium, quod alii irrationabiliter sumerent ex confessione pœnitentium.

r. 2. Diana loc. cit. et Croix ib. cum Adr. Gers. Navarr. Henriq. Dic. Aversa, et Ill-sung. The reason is, because an accomplice, from the confession of another accomplice, acquires no right to the sacramental seal, for this seal was instituted only in favour of the penitent; whence it follows the nature of other sacraments, in which the right of secrecy is acquired to him alone who partakes of that: and therefore, as the penitent alone can impose the seal, so he alone can take it away, and thus we answer to the first argument. Neither does it possess any weight to allege that confession would thus be rendered odious to others; for truly, that only renders the confession hateful, *which draws away penitents from the confessional*; and this odium is altogether to be avoided, in accordance with the institution of the sacrament, but not whatsoever odium, which others would irrationally take from the confession of penitents.

“ Dubitat. hic 2. quomodo cadat sub sigillo objectum peccati. Respondeo, quod cadat nimirum, si, v. gr. filius confiteatur se odisse matrem ob illius adulterium, vel non corripuisse fratrem de furto; adulterium enim illud, et furtum cadunt sub sigillo

“ It is doubted here, 2. how the object of sin falls under the seal. I answer, that doubtless it falls under it, if a son, for example, confess that he hates his mother, on account of her adultery, or that he did not divert his brother from theft; for that adultery

tanquam objecta peccati; Ita Viva q. 10. art. 2. num. 3. Renzi p. 318. q. 2 Fill. cap. 11. n. 321. Sporer n. 835. Tambur. de Sigill. cap. 3. n. 6. Probabiliter vero dicunt Tambur. n. 14. et Sporer loc. citat. quod si pœnitens confiteatur se gavismus de homicidio in publica platea commisso, non teneatur confessarius ad sigillum, quia cum homicidium sit publice notum, et per accidens lateat confessarium, non censetur illud velle sigillo subjicere. Ceterum, ubi nullum adest periculum revelationis, vel gravaminis pœnitentis (juxta dicenda n. 656. in fine), minime cadit sub sigillo objectum peccati.

“ III. Pœnitentia imposita, si gravis sit, hoc est, quæ consuevit injungi pro mortali (*qualis nunc esset, ait Dian.* p. 5. t. 11. r. 31. *Corona B.V. non vero Miserere.*) Avers. q. 18. sess. 6. IV. Pecatorum circumstantiæ, quas taceri pœnitentis interest, etsi dictæ sint post absolutionem, v. gr. si spurius sacros ordines suscepit, si nobilitatem jactaverit, etc. Bona vero pœnitentis, et cetera impertinentia, quæ per accidens interponuntur, nec odium sacramento pariunt, v. gr. propositum religionis,

and theft fall under the seal as objects of sin: ita Viva q. 10. art. 2. num. 3. Renzi p. 318. q. 2. Fill. cap. 11. n. 321. Sporer n. 835. Tambur de Sigill. cap. 3. n. 6. But probably, Tamb. n. 14. and Sporer in the cited place, say, that if a penitent confess that he delighted in a homicide committed in a public street, the confessor is not bound to the seal, because when a homicide is publicly known, and by accident the confessor is not aware of the circumstance, it is not thought that it comes under the seal. But where there is no danger of disclosure, or of injury to the penitent, (according to what is said in n. 656. in the end,) by no means, does the object of sin fall under the seal.

“ III. Penance imposed if it be severe, such as is usually inflicted for mortal sin, (*qualis nunc esset, ait Dian.* p. 5. t. 11. r. 31. *Corona B. V. non. vero Miserere.*) Avers. q. 18. sess. 6. IV. The circumstances of sins which it behoves the penitent to keep secret, although they be disclosed after absolution, viz. if a bastard hath received holy orders, if he have boasted of nobility, &c. But the goods of the penitent and other things not pertaining to the subject, which, by accident, are introduced, neither

vel matrimonii, s^epe quidem (si nimirum poenitens ea tecta velit) sub obligatione secreti naturalis, non tamen sacramentalis, cadunt. Excipliunt Tann. et Con. nisi poenitens talia dixerit in ordine ad explicanda peccata: tunc enim sigillo sacramentali claudi tenent cum Diana part. 5. t. 11. r. 5. Idem de virtutibus, et vitiis affirmant Gran. contra Reg. et Mald. apud Dian. loc. cit. r. 30. (*Loquendo de virtutibus, et revelationibus, Salv. Confessio n. 32. Bonacin. p. 2. n. 11. et Nav. Henrig. apud Lugo d. 23. n. 58. negant omnino eas cadere sub sigillo, cum non sint materia confessionis.* Sed melius Lugo l. c. Roncagl. p. 104. quæst. 5. Mazzotta p. 581. Croix num. 1947. cum Stoz. et Viva, q. art. 2. n. 2. cum Diana, distinguunt, et recte negant, si virtutes, aut revelationes manifestantur in confessione, ut status animæ confessario innotescat; secus vero si dicantur ad explicandum aliquem defectum, vel propriam ingratitudinem erga Deum.) Idem dicunt de defec-tibus naturalibus (verb. grat. illegitime natum esse, et de vitiis occultis corporis Coninck. Hurt. et Kellison. contra Grand. Mald. etc. qui ea sub sigillum cadere absolute aiunt apud Dian. l. c. r. 29. Item de iis, quæ alios concernunt,

procure odium for the sacrament, for instance, the determination to enter the religious or married state, (if doubtless, the penitent wish these things to be concealed) often fall under the obligation of a natural secret, though not that of the seal. Tann. and Con. make an exception, in case the penitent may have spoken such things in the course of explaining sins: for then they hold that they are included under the sacramental seal, with Diana part. 5. t. 11. r. 5. The same they affirm concerning the vices and virtues, Gran. contra Reg. et Mald. apud Dian. loc. cit. r. 30. (*in speaking concerning the virtues and revelations, Salv. Confessio n. 32. Bonacin p. 2. n. 11. et Nav. Henrig. apud Lug. d. 23. n. 58. deny altogether, that they fall under the seal, since they are not the matter of confession.* But more justly Lugo. l. c. Roncagl. p. 104. quæst. 5. Mazzotta. p. 581. Croix. num. 1947. cum Stoz. et Viva. q. 10. art. 2. n. 2. cum Diana, distinguish this, and rightly deny it, if the virtues or revelations be made known in confession, that the state of mind may be known to the confessor: but otherwise, if they are mentioned for the purpose of explaining any defect, or particular ingratitudo toward God.) They say the same

et tamen peccata non sunt.
Mald. et Dian. l. c. r. 38.
 Denique de scrupulis *contra Conc. et Gran.* qui eos sigillo claudi absolute affirmant, et *contra March.* qui absolute negat.) Idem tenet C. de Lugo, nimirum, si pœnitens scrupulositatem confiteatur, aut ad declaranda peccata, vel conscientiam afferat, ait cadere sub sigillum, quia est in obliquo saltem materia confessionis. Secus, si non cognoscatur ex pœnitentis relatione, sed videatur, et percipiatur, v. gr. ex modo confitendi. Idem dicit de aliis defectibus naturalibus, verb. grat. quod sit blæsus, rudis, hebetis ingenii, etc. et sic excusat confessarium, qui de pœnitente dixit, quod imperficiuntur, et næniis caput sibi frangat. *Vide d. 23. sect. 3. n. 60.* *Gran.* tamen id improbat, et *Coninck.* apud *Dian. p. 5. t. 11. r. 50.* ait esse periculosum, et posse facile frangi sigillum indirecte. Denique *Tambur.* in *Append. c. 3.* doctrinæ isti ne ut probabili quidem acquiescit, atque eam a *Diana l. c. immerito vocari communem,* cum *Gran. Hurt. Palao, Bauny.* etc. refragentur; aliterque limitans ipse ait: si isti defectus, v. gr. esse blæsum, rudem, scrupulosum, etc. sint passim noti,

concerning natural defects, (for instance, that he was illegitimately born), and concerning concealed defects of body. Coninck, Hurt, and Kellison, against Gran. Mald. etc., who say, that these things fall absolutely under the seal; apud *Dian. l. c. r. 29.* Also, in reference to those which concern other persons, and yet are not sins. *Mald. et Dian. l. c. r. 38.* Finally, concerning scruples, (against Conc. et Gran., who absolutely affirm, that they are bound by the seal, and against March, who absolutely denies it.) Cardinal de Lugo holds the same, to wit, if the penitent should confess scrupulosity, either in the declaring of sins, or plead conscience, he says, that it falls under the seal, because it is obliquely the matter of confession. Otherwise, if he do not know it from the mention of the penitent, but see and perceive it from the manner of confessing. He says the same in relation to natural defects, viz. deformity, ignorance, dullness of disposition, &c., and thus he excuses the confessor who said, that the penitent bothered his head with foolish, irrelevant questions. *Vide d. 23. sect. 3. n. 60.* *Gran.* however disapproves of that, and *Coninck,* apud *Dian. p. 5. t.*

non cadere sub sigillum : secus, si sint ignoti, quia confessio immunis esse debet ab omni odio."

11. r. 50. says, that it is perilous, and that he could easily indirectly break the seal. Finally, Tambur. in append. c. 3. does not acquiesce to that doctrine, even as probable, and with Gran. Hurt, Palao Bauny, &c., deny that it was undeservedly called common by Diana ; and he otherwise limiting it, says, —that if the defects, viz. of deformity, ignorance, scrupulosity, &c., be everywhere known, that they do not fall under the seal : otherwise, if they are unknown ; because confession ought to be free from all odium.

" 642.—Melius mox prædicta discutienda sunt. Quæritur, an frangat sigillum confessarius qui propalat defectus naturales sui pœnitentis, nempe quod sit ignobilis, pauper, aut ignarus, surdus, et similia ? Respondetur ; Si confessarius tales defectus noverit, quatenus a pœnitente fuerint manifestati ad explicanda peccata, tunc certe cadunt sub sigillo, ut communiter cum *Bus. docent Suarez d. 23. sect. 2. num. 5. Pal. p. 5. § 2. n. 6. Lugo d. 23. n. 59. Bon. q. 6. p. 2. n. 10. Concin. p. 739. n. 10. Anacl. p. 627. num. 25. Spor. n. 841. Croix num. 1947. Mazz. q. 580. Ronc. p. 103. q. 4. Salm. c. 14. num. 23.*

" 642.—In the next place, the above mentioned subjects are to be discussed more accurately. It is asked, whether the confessor break the seal who makes known the natural defects of his own penitent, to wit that he is low born—poor or ignorant—deaf and the like? It is answered ; if the confessor have known such defects, forasmuch as they have been told in the explanation of sin, then certainly, they fall under the seal, as commonly, with *Bus. teach Suarez d. 23. sect. 2. num. 5. Pal. p. 5. § 2. n. 6. Lugo d. 23. n. 59. Bon. q. 6. p. 2. n. 10. Concin. p. 739. n. 10. Anacl. p. 627. num. 25. Spor. n. 841. Croix. num. 1947. Mazz. q.*

cum Dicast. Conc. et aliis passim, contra Vasq. Et hoc, etiamsi manifestatio dictorum defectuum nihil conferret ad explicationem peccati, sed poenitens jam illos exponeret ad plenius suam conscientiam manifestandam, ut bene advertit *Croix loco citato cum Lugo, et Stoz.* Secus vero, si confessarius noverit defectus illos, quatenus poenitens incideret, sive impertinenter ad confessionem eos detexerit, ut etiam communiter dicunt *Fill. tr. 7. cap. 11. n. 321. et Suarez, Pal. Ronc. ll. cc. Salm. d. n. 23. in fin cum Dic. et Gabr. ac Bonac. l. c. cum Coninck. Reg. Zer. et aliis.* Et hoc est valde probabile (quidquid opponat Renzi p. 318. q. 3. cum Soto, Valent. et Diana, quos citat.) Ratio, quia, cum poenitens tales defectus ultro detegat, sine ullo ordine ad explicanda peccata, eos minime censemur subjicere (nec subjicere posset) clavibus sigilli, cum ad confessionem nihil pertineant.

580. Ronc. p. 103. q. 4. Salm. c. 14. num. 23. cum Dicast. Conc. et aliis passim, contra Vasq. And this holds good, although the making known of such defects should relate nothing to the explanation of sin, but the penitent, would now expose them for the fuller manifestatiou of his own conscience, as Croix well observes in loc. cit. cum Lugo et Stoz. But otherwise, if the confessor knew those defects, forasmuch as the penitent, incidentally, or irrelevantly may have disclosed them in confession: as also Fill. tr. 7. cap. 11. n. 321. et Suarez, Pal. Ronc. ll. cc. Salm. d. n. 23. in fin cum Dic. et Gabr. ac Bonac. l. c. cum Coninck. Reg. Zer. and others, teach. And this is very probable, (notwithstanding the opposition of Renzi, p. 318. q. 3. with Soto Valent. and Diana, whom he quotes.) The reason is, because, as the penitent willingly discloses such defects when such is not necessary for the explication of sin, he is, by no means, thought to place them under (nor can he do so) the keys of the seal, since they pertain nothing to the confession.

“ 643.—Idem dicunt *cardinalis de Lugo d. 23. n. 60. Navarr. cap. 8. num. 12. et Mazzott. ll. cc. Dian. p. 5. tract. 11. r. 50.* (qui vocat

“ 643.—Cardinal de Lugo d. 23. n. 60. Navarr. cap. 8. num. 12. et Mazzott. ll. cc. Dian. p. 5: tract 11. r. 50, (who calls it common) and Roneaglia, in

communem) ac *Roncaglia* loco citato cum *Aversa*, et *Fagundez*, si defectus illi innotescant confessario ex actionibus ipsius pœnitentis, sive ex modo confitendi, nemque quod sit blæsus, surdus, rufus, hebetis igenii, etc. Ratio, ut aiunt, quia hujusmodi defectus tunc non sunt materia, neque pertinent ad materiam confessionis, cum sacerdos eos non percipit ex relatione pœnitentis, sed ipsem videt, et apprehendit; unde isti, sicut non dicuntur secreto, ita nec cadunt sub sigillo. Et sic pariter dicit *Lugo loc. cit.* quod si pœnitens ostendat se naturæ molestæ, irresolutæ, durioris ad credendum, omnes hi defectus, quia non sunt materia confessionis, cum non audiantur, sed in confessione fiant, neque cadunt sub sigillo. Sed huic sententiae merito contradicunt *Pal. p. 19. § 3. num. 9. Antoine p. 546. Conc. p. 739. num. 10. Sporer num. 844. Renzi, p. 318. quæst. 3. et Tamb. Meth. Confes. cap. 3. num. 18. cum Conc. Gran. Hurtad. etc.* Ratio, quia, cum defectus illi sint odiosi, et confessarius noverit eos occasione confessionis, dum pœnitens sua peccata explicabat; eorum manifestatio semper redderet aliquo modo confessionem odiosam, et ab ea retardaret. Tantummodo

the cited place, with *Aversa* et *Fagundez*, say, the same, if these defects become known to the confessor, from the acts of the penitent himself, or from the manner of confessing, to wit, that he is deformed, deaf, ignorant, of a slow understanding, &c. The reason is, they say, because such defects are not the matter, neither do they pertain to the matter of confession, since the Priest does not perceive them from the mention of the penitent, but he himself sees and observes them; whence they, as they are not mentioned secretly, so neither do they fall under the seal. And thus, likewise, *Lugo* says, in the cited place, that if a penitent shew himself to be of a troublesome nature, irresolute, not worthy of credit; all these defects, because they are not the matter of confession, since they are not heard but made in confession, do not fall under the seal. But to this opinion *Pal. p. 19. § 3. num. 9. Antoine, p. 546. Conc. p. 739. num. 10. Sporer. num. 844. Renzi, p. 318. quæst. 3. et Tamb. Meth. Confes. cap. 3. num. 18. cum Conc. Gran. Hurtad, &c.*, deservedly are opposed. Because, since these defects are offensive, and the confessor knew them from the occasion of confession, whilst the penitent was explaining

prima sententia locum habere posset, quando omnino constaret confessario, pœnitentem ex illius defectus manifestatione minime gravari.

“ Nec acquiesco opinioni *Card. Lugo qui loc. cit.* subdit non cadere sub sigillo peccata quæ commiserit pœnitens in ipsa confessione, puta impatiencyæ, contumeliæ in confessarium, vel in alios, quia culpas illas pœnitens non confitetur, sed committit vidente confessario. Neque (dixi) huic acquiesco; quia talia peccata, licet non sint materia sigilli, tamen periculum revelationis involvunt; probabile enim indicium præbent, quod confessarius vel noluerit absolvere, vel acriter reprehenderit propter aliquam culpam graviorem.

“ Præterea dicunt *Tambur. d. cap. 3. n. 13. Viva q. 10. art. 2. n. 5. Sporer num. 842. et consentiunt Wig. tr. 13. n. 128. ac. Conc. p. 739. n. 10.* quod si defectus naturales paupertatis, ignobilis, et similius, ita referantur a pœnitente, ut ex adjunctis colligatur eos esse commu-

his own sins; their disclosure would in some manner render confession odious: and would drive persons from it. The first opinion ought only to have place, when it would be very evident to the confessor, that the penitent would, by no means, dislike such a manifestation.

“ I do not agree with Cardinal Lugo, who, in the place referred to, submits, that the sins which the penitent commits in confession, say for instance, the sins of impatience, of abusive language against the confessor or others, do not fall under the seal; because the penitent does not confess these faults, but commits them while the confessor looks on. Neither (I have said) do I agree with this; because such sins, although not the matter of the seal, however, involve the peril of disclosure; for they afford a probable proof, that the confessor either was unwilling to absolve, or blamed him severely on account of some greater fault.

“ Besides, Tambur. d. cap. 3. n 13. Viva q. 10. art. 2. n. 5. Sporer num. 842. et Wig. tr. 13. n. 128. and Conc. p. 739. n. 10. say, that if the natural defects of poverty, low-birth, and the like, are so mentioned by the penitent, that from the adjuncts it is collected, that they were com-

niter notos, tunc non cadunt sub sigillo, quia tunc non præsumitur poenitens narrare ipsos nisi ut cognitos, nec velle subjicere clavibus, quando expresse aliter non declarat. Sed huic opinioni etiam merito non consentit *Holzmann p. 187. num. 706. v. 4.* ob eamdem rationem ut supra, quia, cum defectus illi ex peccatorum confessione cogniti sint a confessario, manifestatio eorum retardaret poenitentes a confessione.

monly known, then they do not fall under the seal, because then the penitent is presumed to narrate those things as known, neither to wish that they should be placed under the keys, when he does not expressly declare otherwise. But to this opinion Holzmann, p. 187. num. 706. v. 4. justly does not assent, on account of the same reason as above, because, since these defects are known from the confession of sins by the confessor, their publication would drive penitents from the confessional."

"644.—Quod autem dicunt auctores supra citati de aliis defectibus naturalibus, dicunt etiam de defectu scrupulositatis, nempe posse confessarium dicere poenitentem suum esse scrupulosum, si id noverit vel ex modo confitendi, vel si illius scrupulosa sit publice nota. Sed pariter huic nec acquiescimus cum *Sporer num. 884. et Tambur. n. 18. qui citat. Con. Gran. Hurtad. Pal. etc.* quia eadem ratio currit, cum non punci ægre ferant, se scrupulosos appellari. Tantum id admitti posset, si minime redundaret in gravamen poenitentis, prout facile accidere potest, loquendo de secularibus, qui potius laudantur, cum dicitur de eis, quod sint scrupulosi; hoc enim pro iis qui in seculo versantur indi-

"644.—But what the above mentioned authors say concerning other natural defects; they say also concerning the defect of scrupulosity, to wit, that a confessor could say that his own penitent was scrupulous, if he had known that either from his manner of confessing, or, if his scrupulosity be publicly known. But likewise, to this we do not assent, with Sporer num. 844. and Tambur. n. 18. who quote Con. Gran. Hurtad. Pal. &c. because the same reason applies, since not a few would take it ill that they should be called scrupulous. That alone can be admitted, if it can by no means redound to the injury of the penitent, which may easily happen in speaking concerning persons engaged in secular pursuits, who are ra-

cium est bonæ, et timoratæ conscientiæ. Secus, si dicatur de prælato, confessario, et similibus, quibus scrupulositas est signum mentis confusæ, et irresolutæ.

“ Dicitur autem a *Roncaglia* p. 202. c. 2. reg. 1. in *praxi* quod, si aliquis pœnitens communiter dignoscatur esse valde prolixus, inquietus, etc. in aliquo exponendo, tunc quia clare appareret confessarium fugere, ne ab ipsius naturali prolixitate, inquietudine, etc. tædio afficiatur, in talibus circumstantiis fugere non esset fractio sigilli. Hoc probabilius admitti potest, si communiter pateat aliis pœnitentem illum esse timoratæ conscientiæ, ita ut moraliter certo reputent immunem esse a gravioribus culpis.

“ Petes hic, quid agere deberet confessarius, si quis se confitendo aliqua materia gravi non satis distincte, confessarius ideo cum interrogans de circumstantiis, de consuetudine, vel simili, noverit pœnitentem esse surdum, cum minime adæquate interrogationibus, ille respondet, et contra confessarius altius vocem extollere nequit, ne alii circumstantes audiant? Respondeo: Si circa initium confessionis advertat pœnitentis surditatem, imponat ei, ut redeat alio tempore, et loco opportuno, ubi loqui libere possit

ther lauded, when it is said of them, that they are scrupulous, because this for them who are engaged in secular matters, is a mark of a good and timid conscience. Otherwise, if it be said of a prelate, confessor, and the like, in whom *scrupulosity is a mark of a confused and irresolute mind*.

“ But it is said by Roncaglia, p. 202. r. c. 2. Reg. 1. in *praxi*, that if any penitent be commonly known as very prolix, troublesome, &c., in explaining any thing, then, because it would evidently appear that the confessor fled lest he should be tormented by his natural prolixity, inquietude, and tediousness, in such cases to fly would not be a breach of the seal. This probably can be admitted, if it would generally appear to others, that the penitent was of a timid conscience, so that with moral certainty they would esteem him to be free from greater faults.

“ You will ask here, what a confessor ought to do, if any one confess any serious matter with insufficient distinctness, and the confessor moreover interrogating him concerning circumstances, custom, and the like, know the penitent to be deaf, since by no means does he answer sufficiently to the interrogations, and on the contrary the confessor be unable

confessarius, ne alii audiant. Et interim patefacere potest aliis surditatem poenitentis, quando talis defectus communiter fit patens. Si vero advertat hoc in progressu confessionis, et poenitens post plures debitas interrogations recte non respondeat, tunc non licet confessario alta voce imponere poenitenti, ut redeat, ita ut circumstantes hoc audiant, quia magna daretur eis suspicio, quod materiam gravem ille sit confessus. Ideoque in tali casu consilium esse puto, ut confessarius intelligendo peccata meliori modo quo possit, absolvat; absolute quidem, si poenitens probabiliter censetur dispositus; sub condicione vero, si de dispositione dubitetur. Casum istum apud *DD.* non inveni, sed obvius est.

to raise his voice, lest others might hear? I answer: if about the beginning of the confession he perceive the deafness of the penitent, he may require him to return at another time, and in a fit place, where the confessor can freely question him, lest others might hear. And meanwhile, he can make known to others the deafness of the penitent, when that defect is commonly exposed. But, if he perceive this in the progress of the confession, and the penitent, after many due enquiries, be unable to answer properly, then it is not lawful for the confessor to require with a loud voice, that the penitent should return at another time, lest those standing by hear this: because a great cause for suspicion would be given to them, that he had confessed some grievous matter. Moreover, in such a case I think it prudent that the confessor, becoming acquainted with his sins in the best way he can, may absolve him; absolutely indeed, if the penitent be thought probably worthy; but conditionally, if it be doubted concerning his state. I have not found this case among the Doctors, but it is obvious.

“ 645.—‘ Resp. 2. Ad sigillum tenentur omnes, ad quos quomodocumque notitia sacramentalis confessionis pervenit:

“ 645.—‘ It is answered, 2. that all are bound to the seal, to whom a knowledge of the sacramental confession comes,

qualis est I. confessarius, qui, si de auditis in confessione rogetur, potest negare, etiam, si opus est, cum juramento, subintelligendo, quod possit dicere, vel potius (*ut dicit cardin. de Lugo d. 23.*) quod sciat scientia utili ad respondendum interroganti extra confessionem. Exciplunt *Henriquez et Granadus cum Dian.* p. 5. t. 11. r. 43. nisi ex illa negatione sequeretur, confessionem non fuisse integrum, v. gr. si de publica meretrice rogaretur, an non esset confessa fornicationem; tunc enim, declinando directam responsionem, dicendum esset, illam confessam esse peccata sua, et se functum officio suo. Imo, si peccatum suum salvo sigillo non possit confiteri, debet omittere, quia sigillum strictius obligat, quam integritas confessionis.'

conveyed in whatever way it may: such is I. the Confessor, who, if he be asked concerning things heard in confession, can deny that he knows them even, if it be needful, with an oath, by understanding what he may be able to mention, or rather, (as Cardinal de Lugo. d. 23. says,) what he knows with a knowledge useful for answering, being interrogated out of confession. Henriquez and Granadus, with Dian. p. 5. t. 11. r. 43. make an exception, unless from that denial it would follow, that the confession was not whole, for example, if he should be asked concerning a public harlot, whether she confessed fornication; for then, by declining a direct answer, it would be said that she confessed sins, and that he discharged his own office. Yea, if his own sin could not be confessed with an unbroken seal, he ought to omit it, because the seal more strictly binds, than the completeness of confession.'

" 646.—Quæritur, an confessarius interrogatus de peccato pœnitentis possit dicere se illud nescire, etiam cum juramento? Affirmandum cum communi, quam tenent *D. Thomas* in. 4. d. 21. q. 3. art. 1. ad 3. *S. Anton.* 3. p. tit. 17. cap. 22. *Suar.* d. 33. sect. 6. n. 7. *Laymann* c. 14. n. 12. *Antoine* p. 449.

" 646.—It is asked, whether the Confessor, interrogated concerning the sins of his penitent, can say that he does not know it, even with an oath? It is answered in the affirmative, in accordance with the common opinion, which *D. Thomas.* in. 4. d. 21. q. 3. art. 1. ad. 3. *S. Anton.* 3. p. tit. 17. cap. 22. *Suar.* d. 33.

q. 6. *Wig. tr. 13. n. 111. Holzm. num. 722. Pal. p. 5. § 3. num. 13. cum Nav. Bon. Val. et Henriq. ac Lugo d. 23. num. 73. cum Vasq.* (qui opinionem oppositam *Gabrielis* vocat erroneous) et aliis commun. Ratio affertur a *D. Thom.* loc. cit. qui dicit: *Homo non adducitur in testimonium, nisi ut homo, ideo . . . potest jurare se nescire, quod scit tantum ut Deus.* (Et hoc, etiamsi confessarius rogatus fuerit ad respondendum non ut homo, sed præcipue ut minister Dei, prout recte aint *Suarez* loc. cit. Sporer n. 817. Lug. n. 74. cum Vasq. et communi. Item *Croix* num. 1985. cum Laymann, Tanner. Stoz. etc. contra *Palud. Sotum et Concin.* p. 745. n. 25.) quia confessarius nullo modo scit peccatum scientia qua possit uti ad respondendum, unde juste asserit se nescire id quod sine injustitia nequit manifestare. *Vide dicta l. 4. n. 153. v. Hinc.* Quid, si insuper rogetur ad respondendum sine æquivocatione? Adhuc cum juramento potest respondere, se nescire, ut probabilius dicunt *Lugo* n. 79. *Croix* l. c. cum *Stoz. et Holzm.* num. 722. cum *Michel* contra alios. Ratio, quia tunc confessarius revera respondet secundum juramentum factum, quod semper factum intelligitur modo quo fieri poterat, nempe manifes-

sect. 6. n. 7. Laymann. c. 14. n. 12. Antoine p. 449. q. 6. *Wig. tr. 13. n. 111. Holzm. num. 722. Pal. p. 5. § 3. num. 13. cum Nav. Bon. Val. et Henriq. ac Lugo. d. 23. num. 73. cum Vasq.* (who calls Gabriel's opposite opinion erroneous) and others hold. The reason is adduced by the divine Thomas in the quoted place, who says: 'a man is not adduced in testimony, unless as a man, therefore he can swear that he does not know what he knows, only as God.' (And this holds good, although a confessor may have been asked to give his answer, not as man but especially as minister of God, as Suarez. in the quoted place, Sporer n. 817. Lug. n. 74. cum Vasq. and the common opinion rightly say. Also *Croix*. num. 1985. with Laymann, Tanner, Stoz. &c. against *Palud. Sotum* and *Concin.* p. 745. n. 25.) because a confessor in no manner knows a sin with a knowledge which he can use for the purpose of answering; wherefore he justly asserts, that he does not know that which without injustice he cannot manifest. See what is said l. 4. n. 153. *What if he should be asked to answer without equivocation? Even in that case, he can answer with an oath that he does not know it;* as more probably

tandi veritatem sine æquivocatione, sed sine æquivocatione illa, quæ licite omitti poterat: quoad æquivocationem vero necessariam, quæ non poterat omitti absque peccato, nec alter habet jus, ut sine æquivocatione ei respondeatur, nec ideo confessarius tenetur sine æquivocatione respondere. Ceterum, ad hujusmodi interrogations confessarius debet ab initio respondere: *has interrogations non esse faciendas.* Item, si interrogetur, an absolverit aliquem? Respondeat: *Functus sum officio meo*, ut dicunt. Conc. p. 739. n. 111. Antoine p. 549. Lugo n. 85. et Salmant. c. 14. n. 28. cum Reg. et Gran. Sed aliquando talis responsio adhuc posset non esse satis tuta; unde semper melius est respondere objurgando interrogantem; *Quænam interrogatio est ista, quam facis?* Si autem confessarius aliquem non absolverit, et dum missam celebrat, interroget eum minister, an ponat formulam pro communione illius poenitentis? Respondeat confessarius: *Interroga ipsum, an velit communicare. Ita recte Salm. cap. 14. n. 29. cum Henr. et Gran.*

Lugo. n. 79. Croix. l. c. cum Stoz. et Holzm. num. 722. with Michel teach against others. *The Reason* is, because then the confessor verily answers according to the oath made, which is always understood to be made in the manner in which it was possible to be made, to wit, of manifesting the truth without equivocation, that is, without that equivocation which lawfully can be omitted. *But as to the necessary equivocation which could not be omitted without sin, the other has not a right that an answer should be given to him without equivocation, neither, moreover, is the confessor bound to answer without equivocation.* But to such interrogations the confessor ought to answer from the beginning, that such enquiries should not be made. Also, if he be asked, whether he have absolved any one, he may answer, 'I have discharged my office,' as Conc. p. 739. n. 111. Antoine p. 549. Lugo n. 85. et Salmant. c. 14. n. 28. cum Reg. et Gran. say. But sometimes such an answer cannot be sufficiently safe; whence it would be always better to answer by reproving the interrogator, 'What interrogation is that which you make?' But if the confessor have not absolved a certain person, and whilst he celebrates mass, the

minister ask him whether he gave him the certificate for the communion of his penitent, the confessor may answer, ‘Interrogate him whether he wish to communicate.’ Ita recte Salm. cap. 14. n. 29. cum Henr. et Gran.

“ 647.—‘II. Superior cui se sistit absolutus a reservato, vel a quo petitur licentia absolvendi a reservato.’ Suarez. cardin. de Lugo n. 34. etc. (Item Concina p. 747. num. 30. Antoine 550. Holzm. num. 713. Elbel n. 512. Sporer n. 853. Suar. d. 33. sect. 4. n. 3. et Salmant. c. 14. n. 66. cum Gran. et aliis. *Ratio, tum quia petitio illa est quædam inchoata confessio quatenus ordinatur ad absoluti onem obtinendam; tum quia alioquin confessio redderetur odiosa.* Ita verius auctores citati contra Palaum p. 19. § 4. n. 10. cum Vasq. et Henr.) qui secreto tantum naturali teneri volunt. III. Interpres. (Ita probabilius Pal. p. 19. § 4. n. 3. Lugo d. 23. n. 21. et Salmantic. c. 14. n. 59. cum Suar. Conc. Laym. Bonac. Dic. etc. contra Sotum, et Cajet. (apud Lugo num. 20.) qui dicunt interpretē teneri quidem ad servandum secretum arctissimum, sed non sacramentale.) IV. Qui furtive, vel casu aliquid audit, licet inculpate. (Ita etiam comm. Pal. l. c. num. 5. cum Adriano,

“ 647.—‘II. The superior to whom one absolved from a reserved sin presents himself, or from whom the license of absolving from a reserved case is sought. Suarez. cardin. de Lugo n. 34. etc. (Item Concina p. 747. num. 30. Antoine 550. Holzm. num. 713. Elbel. n. 512. Sporer n. 853. Suar. d. 33. sect. 4. n. 3. et Salmant. c. 14. n. 66. cum Gran. et aliis. 1. The reason is, because that petition is a certain imperfect confession, inasmuch as it is ordained for the obtaining of absolution; 2ndly, because otherwise, the confession would be rendered odious. So more truly the authors cited against Palaus, p. 19. § 4. n. 10. cum Vasq. et Henr.) who wish that he should be bound only by a natural secret. III. The confidant, (so more probably Pal. p. 19. § 4. n. 3. Lugo d. 23. n. 21. et Salmantic c. 14. n. 59. cum Suar. Conc. Laym. Bonac. Dic. etc. contra Sotum, et Cajet. apud Lugo num. 20.) who say that the confidant is bound indeed to the observing of it, as a most strict secret, but not as

Laym. Bon. Con. Salm. n. 61. cum Dic. Diana, etc. d. 21. n. 39. cum Suar. et Vasq. contra Sotum. Et sic, pariter tenentur ad sigillum adstantes, in quorum præsentia confessio fit ex necessitate, puta in naufragio, conflictu, etc. Salm. ibid. n. 60. cum Suar. et Bon. ac Pal. n. 4. cum Adr. Vasquez, Con. et Laym. Secus, vero, si pœnitens tantum ad suam confusione velit publice confiteri. Pal. loc. cit. et Salm. cum Con. Dic. etc.) V. Omnes quibus aliquid sacrilege revelatum est, unde de hoc nec inter se colloqui possunt. (Ita communiter Holzmann n. 713. Spor. n. 851. Conc. n. 30. Salm. ibid. n. 64. Laym. num. 18. cum Gabr. et aliis contra Med.) VI. Laicus, qui pro sacerdote est habitus. (Ita etiam Suar. d. 33. s. 3. n. 3. Roncagl. p. 99. q. 2. Conc. p. 737. n. 4. et Lug. d. 23. n. 4. cum aliis communiter, contra Sotum, et Vasquez qui improbabiliter id negant. VII. Doctor vel alius, qui cum venia pœnitentis consulitur, ut habet cuminum sententia. (Et probabilior, prout nos dicemus n. seq. 648.) contra Vasq. Vide Dian. p. 2. tr. 15. r. 15. VIII. Qui aliquius rudis confessionem scripsit. IX. Qui scriptam invenit, ac legit, ut docent Rodriq. Fag. Mald. etc. apud Dian. part. 3. t. 4. r. 112. et p. 5. t. 11. r. 27. contra Suarez, Bon. et

a sacramental one.) IV. He who stealthily or by any accident hears anything although blamelessly, (ita etiam comm. Pal. l. c. num. 5. cum Adriano, Laym. Bon. Con. Salm. n. 61. cum Dic. Diana, etc. d. 21, n. 39. cum Suar. et Vasq. contra Sotum : and thus those who stand by, in whose presence the confession, from necessity, is made, say in a shipwreck, conflict, &c. are bound by the seal : Salm. ibid. n. 60. cum Suar. et Bon. ac Pal. n. 4. cum Adr. Vasquez, Con. et Laym. But otherwise, if the penitent wish to his own confusion publicly to confess : Pal. loc. cit. et Salm. cum Con. Dic. etc.) V. All to whom any sacrilege is revealed, whence they cannot hold converse concerning this even amongst themselves. So commonly Holzmann n. 713. Spor. n. 851. Conc. n. 30. Salm. ibid. n. 64. Laym. num. 18. cum. Gabr. et aliis contra Med. VI. A layman who is supposed to be a priest. So also Suar. d. 33. s. 3. n. 3. Ronc. p. 99. q. 2. Conc. p. 737. n. 4. et Lug. d. 23. n. 4. with others commonly, contra Sotum and Vasques, who improbably deny that. VII. A doctor, or any one else, who is consulted with the permission of the penitent, as the more common opinion holds it, (and the more probable, as we say in the number,

Laym. quorum sententia probabilis est : juxta quam etsi talis teneatur secreto naturali, peccetque mortaliter, si gravia, ac diffamantia vulget ; secus tamen, si sciens levia tantum esse, ea legat ex curiositate. Unde consequenter in casu gravissimae necessitatis, talem confessionem scriptam liceret revelare. (Excipit *Lugo*, nisi tamen per scripturam voluerit confiteri, ut mutus, vel petere facultatem absolvendi a casu reservato. *Vid.* d. 23. num. 48.) X. Etiam, secundum aliquos, ipse pœnitens ; verum probabilius est, eum tantum teneri secreto naturali, ratione materiæ, si id ea requirat, tacere audita a confessario. *Vid.* *Laym.* *Dian.* p. 5. t. 11. r. 8. (*Ita communiter et verius Laymann c. 14. num. 20. Pal. § 4. n. 13. Suar. d. 33. sect. 4. n. 2. qui id asserit ut certum, Bonac. part. 3. in princ. Salmantic. num. 67. Wigandt n. 119. Holzm. n. 715. et alii passim, quia sigillum institutum est tantum in favorem pœnitentium, non confessariorum; quapropter jus sigilli non confessarii, sed tantum pœnitentibus confertur. Verumtamen omnes cum Holzm. dicunt teneri pœnitentem vinculo secreti naturalis de dictis a confessario, quorum propalatio ei damnum posset afferre. Mihi que videtur teneri pœnitentes ad hoc secretum (quamvis natu-*

648, following.) VIII. He who writes the confession of an unlearned man. IX. He who hath found a writing and reads it, as teach Rodrig. Fag. Mald. &c. apud Dian. part. 3. t. 4. r. 112. et p. 5. t. 11. r. 27. against Suarez, Bon. et Laym. whose opinion is probable: according to which, although such a man is bound to a natural secret, and sins mortally, if he publicly make known serious and defamatory matters; however, otherwise, if he, knowing such sins to be only of a trifling character, reads that paper from curiosity. Whence it would follow in the case of a very great necessity, that it would be lawful to reveal such a written confession. (*Lugo* makes an exception, unless, however, he had wished to confess by the writing as a dumb person, or to seek the faculty of absolving from a reserved case. *Vide* d. 23. num. 48.) X. Also according to some, the penitent himself; but more probably he is only bound to a natural secret, by reason of the matter, if it require that, to keep silent, things heard from a confessor. *Vid.* *Laym.* *Dian.* p. 5. t. 11. r. 8. (So commonly, and more truly Laymann c. 14. num. 20. Pal. § 4. n. 13. Suar. d. 33. § 4. n. 2. who asserts that as certain. Bonac. part. 3. in

rale) strictius quam alii; alii enim voluntarie consilia præbent, sed confessarius tenetur præbere ex officio. Unde, cum confessarius obligatur necessario ad dandum consilium pœnitenti, ut ille sibi caveat a damnis spiritualibus, ideo pœnitens rigorosius tenetur cavere ne confessario damnum obveniat ob concilium sibi præstitum.’’

princ. Salmantic. num. 67. Wigandt, n. 119. Holzm. n. 715. and others everywhere, because the seal was instituted only in favour of penitents, not confessors; wherefore the right of the seal is conferred, not upon confessors but only on penitents. However, all with Holzm. say, that the penitent is bound by the obligation of a natural secret, concerning things said by a confessor, the publication of which would inflict an injury upon him. And penitents appear to me to be bound to this secret (although a natural one) more strictly than others; for others voluntarily give counsel, but the confessor is bound to give it ‘ex officio.’ Wherefore, since the confessor is bound of necessity to afford counsel to the penitent, that he may shun spiritual losses, the penitent is bound more rigorously to take care, lest the confessor should suffer injury, in consequence of the advice given him.’

“ 648.—‘Sed quærit. hic. I. an doctor consultus a confessario ex licentia pœnitentis, teneatur ad sigillum sacramentale? Adest triplex sententia. Prima sententia cum Joan. Medina cod. *De his qui conf. cel.* Palaus de Pœnit. part. 19. §. 4. n. 8. cum Co-varr. Pesant. Onuphr. et aliis, Vasquez q. 93. art. 4.

“ 648.—But it is asked here, whether a doctor consulted by a confessor, with the permission of the penitent, be bound to the sacramental seal? There is a threefold opinion: The first denies that he is bound to the sacramental seal, but only to a natural one. The reason is Medina cod. *De his qui conf. cel.*

d. 2. num. 10. Tambur. Meth. ex Con. c. 4. §. 3. num. 4. Diana t. 1. tract. 1. Misc. r. 14. cum Megala, ac Nugno, negat hunc teneri ad sigillum sacramentale, sed tantum ad naturale. Ratio, tum, quia (ut loquitur Palaus) consiliarius notitiam illam non habet ex confessione, sed ex licentia data, vel ex manifestatione confessarii nomine pœnitentis. Sicut enim (ait) non tenetur ad sigillum doctor consultus a pœnitente, quia talis manifestatio non dirigitur ad petendam absolutionem a consultore: ita etiam neque tenetur consultus a confessario, per cuius medium pœnitens ei se manifestavit. Tum, qui (ut ait Tamb.) pœnitens, concedendo venian confessario loquendi cum alio de suo peccato, censemur illud extrahere a finibus sigilli.'

Palaus de Pœnit. part. 19. §. 4. n. 8. cum Covarr. Pesant. Onuphr. et aliis, Vasquez q. 93. art. 4. d. 2. num. 10. Tambur. Meth. ex Con. c. 4. §. 3. num. 4. Diana t. 1. tract. 1. Misc. r. 14. cum Megala, ac Nugno) because in the first place, (as Palaus says,) the person consulted, acquires that knowledge not from the confession, but from the license given, or from the mention of the confessor in the name of the penitent. For so, (he says) a doctor consulted by a penitent is not bound to the seal, because such a revelation is not made with a view to the obtaining of absolution, from the person consulted. So also, neither is he that is consulted bound by the confessor, through the medium of whom, the penitent hath manifested himself; secondly, because (as Tamb. says) the penitent by conceding the power to the confessor, of speaking with another concerning his own sin, is thought to remove it from the obligation of the seal.

"The second opinion, with Coninck, disp. 9. a. n. 40. Henr. c. 6. num. 20. to whom Sotus, and Cajetan, apud Lugo de Pœnit. d. 23. p. 20. censemur consiliarium non teneri ad sigillum, quia noti-

"*Secunda sententia cum Coninck. disp. 9. a. n. 40. Henr. c. 6. num. 20. cui adhærent Sotus, ac Cajet. apud Lugo de Pœnit. d. 23. p. 20. censemur consiliarium non teneri ad sigillum, quia noti-*

tia peccati non manifestatur ipsi ad obtainendam absolutio-
nem, sed ad instructionem confessarii (et hic notandum, quod *de Lugo* n. 26. licet ipse sit pro sententia opposita, attamen huic rationi consentiat) ; sed bene teneri ad ser-
vandum secretum arctissimum, ita ut nullo casu possit illud revelare. Ratio hujus valde urgens est, quia cum saepe hoc accidat, quod confessarii alios consulunt ex licentia pœnitentium, redderetur utique odiosa confessio, si aliquo casu notitia confessionis posset manifestari.

because the knowledge of the sin is not manifested to him for the obtaining of absolution, but for the instruction of the confessor, (and here it is to be observed, that *de Lugo*, n. 26. although he is in favour of the opposite opinion, yet consents to this reason), but yet, that it should be observed as a most strict secret, so that in no case can it be revealed. The reason of this is very forcible, because since it often happens, that confessors consult others with the permission of the penitent, therefore the confession would be rendered odious, if in any case a knowledge of the confession could be manifested.

“The third more probable opinion, which the same Coninck confesses to be the common opinion of almost all, teaches that the person consulted is bound as much as the confessor, to the seal ; as invariably the sin is disclosed to him, that the confessor may duly discharge the functions of his office. So *Laym. de Pœnit.* c. 14. n. 18. *Suar. d. 33. sect. 4. num. 6.* who holds it as certain, *Lugo dict. disp. 23. n. 25.* who says, that it is altogether to be embraced. Cum *Navarr. Palud. Petr. de Sot. Viguer. item Silvius, Bon. Fill. etc. apud Dian. loc. cit. Sporer c. 7. n. 854.* Idem tenent *Croix, Mazz. Viva, Roncagl. Juen. c. 3. §. 5.* The

“ *Tertia* sententia probabilius, quam idem Coninck. fatetur communem fere omnium, docet teneri consiliarium æque ac confessarium ad sigillum, semper ac notitia peccati manifestatur ei, ut confessarius bene se gerat circa munus suum. *Ita Laym. de Pœn. c. 14. n. 18. Suar. d. 33. sect. 4. num. 6.* qui eam tenet ut certam, *Lugo dict. disp. 23. n. 25.* qui dicit omnino amplectendam *cum Navarr. Palud. Petr. de Sot. Viguer. item Silvius, Bon. Fill. etc. apud Dian. loc. cit. Sporer c. 7. n. 854.* Idem tenent *Croix, Mazz. Viva, Roncagl. Juen. c. 3. §. 5.*

Petroc. de Pœn. c. 4. q. 6. in fin. cum S. Antoin. Et idem expresse docet sanctus *Thomas* in 4. d. 21. q. 3. art. 1. *quæst. 3. et artic. 2. ad 4.* Ratio habetur ex ipsa institutione sacramenti, ob quam creditur Christus Dominus imposuisse hanc obligationem sigilli non solum confessariis, sed omnibus aliis; quibus immediate vel mediate perveneret notitia peccatorum, occasione sive in ordine ad confessionem; alioquin non satis provisum esset reverentiae hujus sacramenti, nec satis odium confessionis amotum fuisset. Ex hoc autem principio communiter accepto, tenetur quidem ad sigillum doctor consultus ex licentia pœnitentis; licet enim directe manifestetur ei notitia confessionis ad instructionem confessarii, indirecte tamen manifestatur etiam in ordine ad absolutionem imperitiandam, et ad sacramentum perficiendum. Nec valet dicere cum *Tamb. et Roncagl.* (qui in hoc non bene sibi convenit,) quod pœnitens, concedendo veniam confessario loquendi alio de suo peccato, censeatur illud extrahere a finibus sigilli; nam respondeo cum *Sporer, et Croix*, quod haec presumptio est valde incerta, imo, ut addunt *Sporer, et Lug.*, potius oppositum est firme præsu-

same *Croix, Mazz. Viva. Roncagl. Juen.* c. 3. §. 5. *Petroc. de Pœn. c. 4. q. 6. in fin. cum S. Antoin hold.* And the same the holy doctor St. Thomas expressly teaches, in 4. d. 21. q. 3. art. 1. *quæst. 3. et artic. 2. ad 4.* The reason is taken from the very institution of the sacrament, on account of which it is believed, that Christ our Lord imposed this obligation of the seal, not only on confessors, but all others to whom immediately or mediately the knowledge of sin may have come from the occasion of or in order to confession; otherwise the reverence due to the sacrament would not be sufficiently observed, nor would the odium of the confession be sufficiently removed. But on this principle generally received, it is held that the doctor, consulted with the license of the penitent, is bound to the seal: For although directly, the knowledge of confession is manifested to him for the instruction of the confessor, yet, indirectly, it is also manifested with a view to obtaining absolution, and to the completion of the sacrament. Neither is it any obstacle to say, with *Tamb. and Roncagl.* (who in this matter are not consistent) that a penitent, by conceding the power to the confessor, of speaking to another concern-

mendum, nempe quod pœnitens det licentiam cum omni limitatione, qua potest.

ing his own sin, is thought to withdraw it from the obligation of the seal; for, I answer with Sporer and Croix, that this presumption is very uncertain, yea, as Sporer and Lugo add, the opposite rather is to be firmly presumed, to wit, that a penitent may give a license with every limitation which he can.

“ Notandum hic vero I. quod eo casu, non obstante sigillo, si doctor bene poterit pluries loqui confessario, et etiam aliis ad consilium ex eadem licentia convocatis de casu disceptato, si judicium a confessario nondum sit completum. Ratio, quia moraliter censetur licentia data esse a pœnitente usquedum sacramentum perficiatur. Notandum II. quod, licet dicat Lugo n. 30. quod, si doctor consulter circa idem a duobus confessariis, quibus pœnitens seorsim confessus est, ipse loqui non poterit cum uno de auditis ab alio; oppositum tamen puto verum, quia cum pœnitens licentiam præbet secundo confessario, ut de suo peccato loquatur cum eodem consiliario, sicut certo creditur pœnitens nolle aliud consilium nisi rectum, ita certo præsumitur velle, quod ipse doctor libere loquatur de omnibus, quæ scit a primo confessario, et quæ pertinent ad rectum consilium præstandum.

“ But it is to be noted, I. that in that case when the seal affords no obstacle, the Doctor, with the permission of the penitent, can often speak to the confessor, and even to others called in for consultation concerning a disputed case, if the judgment by the confessor be not as yet complete. Because the license is morally thought to be given by the penitent, until the sacrament be completed. It is to be noted, II. that although Lugo says n. 30. that if a Doctor be consulted about the same case by two confessors, to whom the penitent has separately confessed, he is not enabled to speak to one, of things heard by the other; however, I think the opposite opinion true, because, since the penitent gives a license to a second confessor, that he may speak to the same counsellor concerning his own sin, inasmuch as the penitent is certainly believed to be unwilling to receive any counsel but

the right one, so certainly it is presumed that he wishes that the Doctor should speak freely concerning all things heard by the first confessor, and which pertain to the affording of right counsel.

“ 649.—Quæritur II. an is, a quo petit consilium pœnitens in ordine ad suam confessionem faciendam, teneatur ad sigillum sacramentale? *Prima sententia* affirmat, et hanc tenent *Tamburin. Meth. Conf. de Sig. cap. 4. n. 1. Sporer num. 856. Antoine p. 550. v. Hinc, Concin. p. 747. num. 30. et La-Croix n. 1952. cum Fag. Diana, Stoz. et Gormaz.* Ratio, quia cum sæpe opus sit pœnitentibus ante confessionem consilium ab aliquo accipere, ut recte confiteantur, nisi alter obligaretur ad sigillum, confessio redderetur odiosa. *Secunda vero sententia* probabilior negat, eamque tenent *Suar. d. 33. sect. 4. num. 6. Pal. p. 19. §. 4. n. 8. Henriq. l. 6. c. 21. num. 4. item Aversa, et Illsung apud Croix l. c.* Ratio, quia (ut communiter docent DD.) obligatio sigilli oritur ex sola confessione sacramentali, in qua pœnitens actu manifestat peccata ad absolutionem obtinendam. Ita ipse *P. Concin. pag. 737. num. 3. et Suar. Con. Vasq. Gabr. Pal. Henriq. et alii passim cum Salmant. cap. 14.*

“ 649.—Whether he from whom the penitent seeks counsel, in order to make confession, be bound to the sacramental seal? The first opinion affirms it, and this Tamburin. Meth. Conf. de Sigill. cap. 4. n. 1. Sporer num. 856. Antoine, p. 550. v. Hinc, Concin. p. 747. num. 30. et La-Croix n. 1952. cum Fag. Diana, Stoz. et Gormaz. hold. The reason is, because since it is often needful for penitents before confession to receive counsel from some one, that they may rightly confess, unless the second party would be obliged to the seal, confession would be rendered odious. But the second more probable opinion denies it, and this hold Suar. d. 33. sect. 4. num. 6. Pal. p. 19. §. 4. n. 8. Henriq. l. 6. c. 21. num. 4. item Aversa, et Illsung apud Croix l. c. The reason is, because (as the Doctors commonly teach) the obligation of the seal arises from sacramental confession alone, in which act the penitent discloses his sins, for the purpose of obtaining absolution. Thus P. Concin. himself

*n. 11. cum D. Thom. in 4. d.
21. q. 3. art. 1. q. 2.* Sed contra: ubi expresse id tradit dicens: *Sigillum confessionis non se extendit, nisi ad ea, de quibus est sacramentalis confessio.* Quapropter ob manifestationem peccati, quae fit a pœnitente apud consiliarium, cum ipsa non fiat in actu confessionis, neque ad obtinendam ab ipso absolutionem, tenebitur quidem consiliarius ad secretum naturale, non vero ad sigillum sacramentale, ad quod probabilius est pœnitentem nullum jus acquirere, nisi in actuali confessione apud eum, a quo absolutionem expectat. Respondet autem ad rationem oppositam, quod revelatio consiliarii retraheret pœnitentem ab accipiendo consilio, non vero a confessione facienda; unde ex manifestatione illa redderetur odiosa non jam confessio, sed consultatio ad confessionem. At nemo tenetur ullo casu alteri quam confessario detegere peccata sua, ut integre confiteatur, et ideo qui ultro vult peccatum aliquod consiliario patetfacere, nequit ipsum obstringere ad sigillum sacramentale.

p. 737. num. 3. et Suar. Con. Vasq. Gabr. Pal. Henriq. and others every where, cum D. Thom. in 4. d. 21. q. 3. art. 1. q. 2. sed contra: where he expressly delivers that, saying, 'The seal of the confession extends itself only to those things concerning which confession is sacramentally made.' Wherefore, as to the manifestation of a sin which is made by a penitent to a counsellor, since it is not made in the act of confession, neither for the purpose of obtaining absolution from him, the counsellor will indeed be bound to a *natural secret*, but not to the sacramental seal, to which it is more probable, that the penitent has acquired no right, unless in *actual confession* to him from whom he expects absolution. But it is answered to the objection, that the disclosure on the part of a counsellor, would withdraw persons from the practice of looking for counsel, but not from making confession; wherefore from that disclosure, confession itself would not be rendered odious, but consultation in order to confession. But no one is bound in any case, to make known his sins to any other but the confessor, that he may make a complete confession. And therefore, he who willingly wishes to make

“Sic pariter dicit *Henriq. ap. Tambur. loc. cit.* (qui probabile putat cum *Suar.* quem citat, sed non bene ut mox dicemus) quod si pœnitens, antequam confiteatur, suas culpas committat sacerdoti propter confessionem imposterum ei faciendam, neque tenebitur confessarius ad sigillum. Sed huic non acquiesco ; quia talis manifestatio est quædam inchoata confessio, dum pœnitens tunc præmittit manifestationem peccati sui, ut citius postea confessionem expediat ; nec aliter videtur sentire *P. Suarez*, cum ibi non loquatur de manifestatione apud eumdem confessarium, sed tantum apud alterum facta.

known any sin, to the person whom he consults, can not bind him to the sacramental seal.

“Thus likewise, *Henriq. loc. cit. ap. Tambur.* says, (who thinks it probable, with *Suarez* whom he quotes, but not justly, as we will immediately see) that if a penitent, before he confess, reveal his sins to a priest, on account of the confession to be made afterwards to him, neither would the confessor be bound to the seal. But to this I do not acquiesce, because such a manifestation is a certain confession begun, provided that the penitent then anticipates the declaration of his own sin, that he may afterwards more quickly declare the confession. Neither does *P. Suarez* appear to think otherwise, since in that place he does not speak concerning a confession to the same confessor, but only of one made to another.

“650.—Quæritur III. an teneatur ad sigillum, qui legit chartam, in qua pœnitens scripsit confessionem ? *Prima sententia* affirmat, et hanc tenent *Antoine*, p. 550. v. *Hinc. Spor.* n. 857. *Ronc.* p. 99. q. 3. cum *Bass.* et *Anton.* a *Spirit.* S. item *Mald.* *Fag.* *Rodr.* et alii apud *Dian.* p. 1. tract. 4. r. 112. Ratio, tum quia scriptura illa proxime fuit ordinata ad confessionem,

“650.—It is asked, III. Whether he is bound to the seal, who reads a paper in which the penitent has written his confession ? The first opinion answers in the affirmative, and this hold, *Antoine*, p. 550. v. *Hinc. Spor.* n. 857. *Ronc.* p. 99. q. 3. cum *Bass.* et *Anton.* a *Spirit.* S. item *Mald.* *Fag.* *Rodr.* et alii apud *Dian.* p. 1. tract. 4. r. 112. The reason is, because

et ideo habetur tanquam inchoata confessio, vel tanquam gerens vicem confessionis peractæ; tum quia manifestatio talis scripturæ, quæ sæpius fieri solet, maxime in confessionibus generalibus, aut prolixis, odiosam confessionem redderet. *Secunda* tamen sententia communissima, et probabilior negat, et hanc tenent Suarez d. 33. sect. 4. n. 5. Laym. c. 14. n. 9. Wigandt tr. 13. n. 119. Pal. p. 16. §. 4. num. 11. Elbel num. 503. (qui vocat probabilissimam) Viva q. 10. art. 3. n. 3. Holzm. n. 714. Lugo d. 23. n. 47. cum Henr. et Megala. Salm. de poen. cap. 14. n. 63. cum Gran. et Con. ac Bon. q. 6. sect. 5. p. 3. n. 7. cum Nav. Soto, Sayr. Nugno, etc. Ratio, quia (uti mox supra diximus) obligatio sigilli sacramentalis non provenit nisi ex actuali confessione; at, scriptura illa non est confessio, sed tantum præparatio ad confessionem; unde penitens acquirit jus sigilli tantum apud confessarium, cui chartam præbet ad absolutionem obtinendam, non vero apud alios, qui illam extra actum confessionis legere queunt. Nec obstat dicere, quod aliquibus posset alioquin redi odiosa confessio, cum plures soleant scribere confessionem, ut exactius confiteantur. Nam respondetur eodem modo quo

first, that manuscript was immediately designed for confession, and is to be considered as a begun confession, or as answering the purpose of a complete confession; secondly, because such a disclosure of the writing, which is often-times wont to be made, especially in general or prolix confession, would render the confession odious. However, the second most general, and most probable opinion denies it, and this hold, Suarez. d. 33. sect. 4. n. 5. Laym. c. 14. n. 9. Wigandt tr. 13. n. 119. Pal. p. 16. §. 4. num. 11. Elbel num. 503. (who calls it most probable) Viva q. 10. art. 3. n. 3. Holzm. n. 714. Lugo d. 23. n. 47. cum Henr. et Megala. Salm. de poen. cap. 14. n. 63. cum Gran. et Con. ac Bon. q. 6. sect. 5. p. 3. n. 7. cum Nav. Soto, Sayr. Nugno, etc. The reason is, because (as we have just said) the obligation of sacramental confession does not arise, unless from actual confession; but that manuscript is not confession, but only a preparation to confession; whence the penitent acquires the right of the seal, only from the confessor to whom he gives the paper for the purpose of obtaining absolution, but not from those who out of the act of confession, can read it. Neither

supra in quæstione præcedenti, nempe, quod scriptura minime requiratur ad confessionem, sed tantum ad juvandam memoriam; unde manifestatio legentis non redderet quidem odiosam confessionem, sed tantum scriptiōnem peccatorum, ad quam nullus obligatur.

is it an obstacle to say, that to some the confession could be rendered odious, since some are wont to write their confession, in order to assist the memory. For it is answered in the same manner as in the above preceding question, to wit, that a manuscript is by no means necessary to confession, but only to assist the memory; hence, the manifestation, on the part of him who reads it, would not indeed render the confession odious, but only the writing down of sins to which no one is obliged.

“ Exciunt tamen *Lugo*, *Viva*, *Sporer*, *Holzmann* et *Elb.* 1. Si mutus confiteatur per scripturam confessario præsenti, et casualiter alius eam legat; quia tunc legens revera haurit notitiam peccatorum ex actuali illius confessione. 2. Si quis per epistolam peteret a superiore licentiam pro casu reservato, juxta dicta n. 646. Præterea, exciunt etiam recte *Wigandt*, *Viva* ll. cc. et de *Lugo*, si legeris chartam relictam in confessionali post confessionem peractam, vel porrectam sacerdoti pro confessione facienda, quia porrectio illa est quedam inchoata confessio. Ceterum, præcisis his casibus, dicunt *Laym.* *Pal.* et *Spor.* quod legentes (tanto magis revealantes) hujusmodi scripturam

“ However, *Lugo*, *Viva*, *Sporer*, *Holzmann*, and *Elb.* make an exception. If a dumb person make a confession to a confessor who is present, by a writing, and by chance, another read it: because in that case he who reads, in very fact derives his knowledge of sins from his actual confession. 2. If any one seek by letter from his superior, a license from a reserved case, according to what is said n. 646. Besides, *Wigandt*, *Viva*, ll. cc. and de *Lugo* also make an exception, if you may have read a manuscript left in the confessional after confession was made, or left for the priest in order to confession to be made, because that very act is a sort of begun confession. But

graviter peccarent, nisi certo scirent ibi minimas culpas, et quotidianas contineri (vide dicta supra l. 5. n. 70.) Addunt vero *Laym. et Sporer*, quod eo casu (quem dicunt vix accidere posse) aliquando in magna necessitate, puta ad salvandam rempublicam aut innocentis vitam, posset licite secretum revelari.

with the exception of these cases, Laym. Pal. and Sporer say, that those who read, (much more those who reveal) such a writing, would sin grievously, unless they were positively aware, that they only contained trifling and common faults, (see what is said, l. 5. n. 70.) But Laym. and Sporer add that in that case, (which they say can scarcely happen) sometimes in great necessity, say for the purpose of saving the state, or the life of an innocent man, it is lawful to reveal a secret.

“ 651.—‘ 1. Extra confessionem, cum licentia poenitentis, potest agi de auditis in confessione, sive cum ipsomet, sive cum quocumque alio, etsi periculoso sit. *S. Thomas, Suar. Præpos. Tann. etc.* (*Et ita verius tenendum contra Scotum, Durandum, Majorum, Gabrielem, Angelicum, etc. apud card. Lug. num. 332.*) cum *D. Thom. in Suppl. q. 11. a. 4. ubi ait: Potest confitens facere ut illud quod sacerdos sciebat ut Deus, sciat etiam sicut homo, quod facit dum licentiat eum ad dicendum; et ideo, si dicat, non frangit sigillum.* *Et ita etiam Laymann cap. 14. n. 14. Navarr. cap. 8. num. 15. Ronc. p. 100. quæst. 5. Lugo d. 23. num. 133. Concina p. 140. n. 14. Wi-*

“ 651.—‘ Out of confession, with the permission of the penitent, it is possible to act concerning things heard in confession, either with the principal, or with any one else, although it is dangerous. *S. Thomas, Suarez, Præpos. Tann. etc.* (and so more truly it is to be held against Scotus, Durandus, Majorum, Gabrielem, Angelicum, etc. apud Card. Lugo, num. 332.) with *D. Thom. in Suppl. q. 11. a. 4.* where he says, he that confesses can so act, that that which the priest knew as God, he may also know as man, which he does, when he gives him permission to speak concerning them, and moreover if he speak, he does not break the seal. And so also *Laymann cap. 14. n. 14.*

gandt tract. 13. num. 115. *et alii communiter. Ratio, quia sigillum confessionis est institutum tantum in favorem poenitentium.* ‘Circa quam licentiam requiritur I. ut sit formalis, et expressa; nam præsumta, tacita, interpretativa, virtualis (etiam in bonum ipsiusmet poenitentis) non sufficit. *Fag. p. 2. l. 6. Tann. Mald. et cæteri doct. communiter.* II. Ut sit libera, ac spontanea, non vi, injuria, dolo, vel per preces importunas extorta, vel etiam per metum reverentialem ipsius confessarii obtenta. *Henriq. Fagund. l. c. Diana p. 5. t. 11. r. 10. et 24. (Dicit Croix. l. 6. p. 2. n. 1958. quod si poenitens non ultro, sed tantum ad petitionem confessarii det licentiam loquendi, communiter licentia censenda sit data ex metu reverentiali. Hoc tamen intelligendum esse, quando licentia non est spontanea, sed replicatis petitionibus extorta, seu ex solo metu reverentiali concessa. Ceterum, hujusmodi licentiae peti non debent nisi ex rationabili causa, ut bene ait Elbel. n. 482. qui etiam recte addit quod melius est inducere poenitentem, ut det licentiam extra confessionem.* III. Non revocata; nam poenitentem pro libitu, etiam sine causa, eam revocare semper posse, docent

Navarr. cap. 8. num. 15. Rone. p. 100. quæst. 5. Lugo d. 23. num. 133. Concina p. 140. n. 14. Wigandt tract. 13. num. 115. and others commonly. The reason is, because the seal of the confession is instituted only in favour of penitents.) About which license, it is required, I. that it be formal and express; for a presumed, tacit, interpretative, virtual license (even for the good of the penitent himself) does not suffice, *Fag. p. 2. l. 6. Tann. Mald. et cæteri doct. communiter:* II. That it is free and spontaneous, not extorted by force, injury, craft, or by importune prayers, or obtained even through a reverential fear for the confessor. (*Croix l. 6. p. 2. n. 1958.* says that if a penitent unwillingly, but only at the request of the confessor, give a license to reveal, the license generally is to be considered as given from a reverential fear. This, however, is to be understood when the license is not spontaneous, but extorted by repeated petitions, or conceded from a reverential fear alone; but such licenses ought not to be sought unless from a reasonable cause, as *Elbel* well observes, n. 482. who also rightly adds that it may be better to induce a penitent to give a license out of confession.) III.

Fagundez, et Dian ll. cc. (Ita etiam Sporer num. 821. et Ronc. p. 100. q. 5.) IV. non opus esse, ut habeatur in scripto. *Suar. Fagund. ll. cc.* Imo, si dubium sit an confessor cum licentia locutus fuerit, sacerdoti potius, quam pœnitenti credendum, ex *Graff. et Henr.* affirmat *Dian. l. c. r. 4.* vel etiam quam hæredibus; v. gr. si ex licentia defuncti revelet restitutionem ab iis faciendam. *Tann. et Mald.* qui tamen monent, eo casu, non esse dicendum eam deberi ex delicto, sed solum, quod talibus tantum dari voluerit, satiusque suaderi moribundo, ut talia secreto codicillo hæredibus injungat. Vide *Dian. l. c. r. 32.* V. Perinde esse, sive ea licentia detur verbo, sive facto, quod quidem æquivaleat expressæ concessioni; verb. grat. si pœnitens extra confessionem incipiat loqui cum confessario de dictis in confessione; tunc enim posse hunc proseQUI, docent Aversa, q. 18. s. 7. *Tann. in append. c. 2. ex Bonac.* (Ita comm. Lug. d. 23. n. 131. Pal. §. 3. n. 14. Conc. p. 740. n. 14. Holzmann num. 720. *Antoine p. 547. v. Hinc, Spor. n. 820. Salm. cap. 14. n. 41. cum Suar. Laym. et Bonac. et Roncagl. p. 101. q. 3. r. 1. Bene tamen advertit Lugo loc. cit. quod eo casu adhuc perseveret sigillum respectu*

Not recalled, for Fagundez and Diana ll. cc. teach that a penitent at his pleasure, and even without a reason, can always recall a license. Ita etiam Sporer num. 821. et Ronc. p. 100. q. 5. IV. It is not necessary that it should be had in writing. Suar. Fagund. ll. cc. Yea, if it be doubtful whether the confessor may have spoken with the permission of the penitent, the priest is to be believed rather than the penitent, ex Graff. et Henr. Diana affirms l. c. r. 4. that he is to be believed rather than even the heirs; for example, if from the license of the dead, he reveal that restitution should be made by them. Tann. and Mald. who however advise, in that case, that he should not say that it was due from their fault, but only that he wished that it should be given to such purposes; and that it would be better to persuade the dying person that he should impose such things upon his heirs by a secret codicil. See Dian. l. c. r. 32. V. It is the same, whether that license be given by word or deed, which indeed may be equivalent to an express concession: for example, if a penitent out of confession begin to speak to a confessor concerning things said in confession; for then Aversa, q. 18. s. 7. Tann. in

ad alios; quia licet pœnitens extra confessionem loquatur, censetur tamen non præbere confessario aliam licentiam, quam dependentem a confessione peracta.)

append. c. 2. ex Bonac. teach that he can follow the example. (Ita comm. Lug. d. 23. n. 131. Pal. §. 3. n. 14. Conc. p. 740. n. 14. Holzmann num. 720. Antoine p. 547. v. Hinc, Spor. n. 820. Salm. cap. 14. n. 41. cum Suar. Laym. et Bonac. et Roncagl. p. 101. q. 3. r. 1. However Lugo in the quoted place, well observes, that in that case, the seal should yet be observed with respect to others; because although the penitent speaks out of confession, yet he is considered not to afford to the confessor another license than that which depends upon the confession made.)

“ 652.—2. Frangitur sigillum, si cum pœnitente extra confessionem, sine ejus venia, agas de auditis in confessione, aut ea te scire ostendas. (*Communiter tamen dicunt DD. licitum esse confessario loqui de auditis in confessione cum pœnitente statim post absolutionem, antequam ille discedat; quia licet sacramentum sit completum, tamen judicium adhuc moraliter perseverat.* Ita contra Dian. p. 5. tr. 11. r. 19. cum Fagund. recte tenent Lugo d. 23. num. 129. Nav. c. 26. n. 14. Conc. p. 740. n. 14. Fill. cap. 11. n. 324. Ant. p. 547, v. Hinc, Escobar n. 741. Salm. cap. 14. n. 43. cum Gran. et Aversa, Renzi p. 306. q. 4.

“ 652.—The seal is broken if with a penitent out of confession, without his permission, you act concerning things heard in confession, or shew that you know those things. (However the doctors generally teach that it is lawful for a confessor to speak concerning the things heard in confession, with the penitent immediately after absolution, before he depart; because although the sacrament be complete, however the case as yet morally continues.) So against Dian. p. 5. tr. 11. r. 19. cum Fagund. rightly hold Lugo d. 23. num. 129. Nav. c. 26. n. 14. Conc. p. 740. n. 14. Fill. cap. 11. n. 324. Ant. p. 547, v. Hinc, Escobar n. 741. Salm. cap. 14.

cum Pell. et Verric. ac Croix n. 1980. cum Præpos. Henrīq. Tamb. Dicast. et Stoz.) Quod verum putat Sanch. contra Suarez et Laym. etiamsi cum eo tractare velles de essentiali errore in ea commisso, quem illi significare sine ejus venia non licere, docent *Regin. Fag. Bonac.* et alii contra *Filliuc. Turr. etc. apud Dian.* p. 3. t. 4. r. 87. (*Vide dicta n. 622.*) Duxi, *extra*, quia intra confessionem potest fieri mentio præcedentium, uti patet ex praxi confessariorum, qui ob recidivam arguunt, et absolutionem aliquando negant. Ita *Henrīq. Præpos. Gran. Maldev. etc. apud Dianam* p. 5. tr. 11. res. 20. Ubi ipse cum *Fagund.* negat id licere sine expressa licentia pœnitentis, nisi de iis, quæ is iterum confitetur, vel saltem tangit. *Vid. Dianam loc. citat. et p. 2. tr. 2. misc. res. 12. et p. 9 tr. 11. res. 18.*"

n. 43. *cum Gran. et Aversa, Renzi p. 306. q. 4. cum Pell. et Verric. ac Croix, n. 1980. cum Præpos. Henrīq. Tamb. Dicast. et Stoz.)* Which Sanchez thinks to be true, against Suarez and Laym., although you wish to discourse with him concerning an essential error committed in that, *Reg. Fag. Bonac.* and others teach against *Filliuc. Jura, &c. apud Dian.* p. 3. t. 4. 87. that it is unlawful without his permission. I have said *extra*, because within confession, mention can be made concerning preceding sins: even as it appears from the practice of confessors who reprove for backslidings, and sometimes deny absolution. So *Henrīq. præpos. Gran. Mald. &c. apud Dianam*, p. 5. tr. 11. res. 20., where he with *Fagund.* denies that it is lawful without the express permission of the penitent, unless concerning those things which he again confesses, or at least touches upon." *Vid. Dianam loc. citat. et p. 2. tr. 2. misc. res. 12. et p. 9. tr. 11. res. 18.*"

" 653.—Quæritur igitur, an intra confessionem possit confessarius loqui cum pœnitente de culpis in alia confessione auditis, sine ipsius licentia? Negat Diana cum *Fag.* ut supra, sed affirmat sententia communissima et

" 653.—Therefore it is asked, whether within confession, the confessor can speak concerning faults heard in another confession, without the license of the penitent? *Dian.* with *Fag.* denies it as above, but the

verior, quam tenent *Lug. d.* 23. n. 127. *Tamb. c.* 5. n. 4. *Wigandt tr.* 13. num. 120. *Concin. p.* 740. n. 14. *Ronc. p.* 101. q. 3. r. 1. *Antoine p.* 550. v. *Hinc, Sporer n.* 823. *Renzi p.* 307. q. 5. cum *Aversa, Dic. et Mald.* eamque vocat certam Illsung apud Croix n. 1981. Ratio quia s^epe pertinet ad munera judicis et medici, quae habet confessarius, recolere peccata prioris confessionis, ad melius poenitentem corripiendum, vel dirigendum; ideo improbabile est quod poenitens habeat jus sigilli in actu confessionis, cum potius verum sit quod confessarius habeat jus exquirendi omnia quorum notitia ad meliorem directionem coadjuvare valeat. Unde bene poterit confessarius loqui cum poenitente de omnibus peccatis in præterito ab eo confessis, semper ac putat hoc fore utile poenitenti, qui censemur in confessione dare ei licentiam, ut utatur quacumque notitia necessaria ad sui meliorem directionem.

“ 654.—‘ 3. Frangit sigillum, qui dicit, se in tali monasterio audivisse grave

most common, and the more true opinion affirms that he can, which hold *Lug. d.* 23. n. 127. *Tamb. c.* 5. n. 4. *Wigandt tr.* 13. num. 120. *Concin. p.* 740. n. 14. *Ronc. p.* 101. q. 3. r. 1. *Antoine p.* 550. v. *Hinc, Sporer n.* 823. *Renzi p.* 307. q. 5. cum *Aversa, Dic. et Mald.* *Illsung* apud *Croix n.* 1981. calls it certain. The reason is because oftentimes it pertains to the offices of a judge and physician, which the confessor holds, to call to mind the sins of a former confession, for the more just chastisement and correction of the penitent; therefore it is improbable that the penitent has a right to the seal in the act of confession, since rather it may be true, that the confessor has the right of examining into all those things, the knowledge of which, may be an assistance for a better counsel. Whence, a confessor can justly speak with a penitent concerning all sins confessed by him in past confessions, and he thinks that this would be always useful for a penitent, who is thought in confession to give a license that he may avail himself of whatever knowledge is necessary for his own better direction.

“ 654.—‘ He breaks the seal, who says that he heard in a certain monastery a great

peccatum, tametsi non nominet personam. *Dian. p. 5. t. 11. res. 35. et alii 3. cum Mald.* Additque graviter peccare eum, qui dicit, in hoc vel isto ordine religioso, hoc vel istud peccatum fuisse admissum, quod ex sola confessione novit: imo nec de civitate, vel certo loco, in quo quis confessiones audavit, licere dicere, quod gravia fiant, vel talia et talia peccata committi soleant (nisi aliunde constet), docent *Hurt. Kell. et Mald. ap. Dian. 1. c. res. 35.* quia potest redundare in gravamen, et infamiam ipsius communitatis, et forte etiam civium in particulari, quando civitas non est ampla, et poenitentes suspecti, atque adeo confessio fieret aliis odiosa. *Vide Dian. loc. cit. et res. 36. ubi cum Malder.* docet confessarium, qui paucos habet poenitentes sibi subditos (v. gr. moniales unius monasterii), scandalum dare, si coram illis concionetur de vitiis auditis in confessione: quia confessae facile suffunduntur pudore. (*Hoc tamen intelligendum, si confessarius loquatur de aliqua culpa particulari cuiusdam monialis, vel illius monasterii: secus, si loquatur de defectibus quæ communiter in omnibus monasteriis solent vel possunt perpetrari.*

sin, although he does not name the person. *Dian. p. 5. t. 11. res. 35.* and others cum Mald. And he adds that he sins grievously who says, that in this or that religious order, this or that sin was committed, because he knows it from confession alone: yea, *Hurt. &c.*, teach that it is not lawful to say concerning a state or certain place in which any one has heard confessions, that grievous sins were committed, or that they are accustomed to commit such and such sins: because such a declaration may tend to the loss, or dishonour of the community itself, and perchance even in particular of states, when the state is not large, and the penitents are suspected, and, therefore, confession would be rendered odious to them. See *Dian. loc. cit. et res. 36.* where with Mald. he teaches, that the confessor, who has few penitents placed under him, (for example, the monks of one monastery) gives cause for scandal if before them he preach concerning vices heard in confession; because the confessed are very easily suffused with shame. (This however, is to be understood, if a confessor speak concerning any particular fault of a certain monk or monastery; otherwise, if he speak concerning defects which are generally wont, and are

“Dubitatur hic 1. an confessarius violet sigillum, si asserit in aliquo loco gravia crimina perpetrari, quæ ipse audierit in confessione? *Prima sententia* negat, et hanc tenent *Nav. c. 8. n. 16. Renzi p. 322. q. 11. cum Fag. Vivald. et Onuphr.* Ita *Henriq. Gran. Lop. etc. apud Escob. lib. 16. num. 749.* qui consentit n. 750. si nullo modo in cognitionem personæ deveniri possit, quia alias (ut dicunt) ex tali revelatione nulla fit injuria pœnitenti. *Secunda* tamen sententia communissima et longe probabilior, quam tenent *Suar. d. 33. sect. 3. num. 8. Bonac. q. 6. sect. 5. part. 4. n. 3. Filliuc. c. 11. num. 322. Concina, p. 740. n. 13. Viva q. 10. art. 2. n. 7. Tamb. lib. 5. c. 3. §. 5. Holzm. n. 711. cum Laym. et Pal. Sporer num. 827. cum Diana, et communi, ut asserit *Lugo d. 23. n. 64. cum Vasquez, Con. et Ledesm.* docet, quod si oppidum sit parvum (puta, si non constet tribus millibus hominum circiter,) tunc violetur sigillum. Ratio; quia, licet tunc non reveletur persona, tamen, cum revelatio emanet in infamiam totius communitatis, redundat etiam in gravamen pœnitentis, qui illius communitatis est membrum, et ideo ex tali reve-*

capable of being committed in all monasteries.

“It is here doubted, 1. Whether a confessor violates the seal, if he assert that great crimes were committed in a certain place, which he himself heard in confession? The first opinion denies it, and *Nav. c. 8. n. 16. Renz. p. 322. 8. 11. cum Fag. Vivald. et Onuphr.* hold this. So *Henriq. Gran. Lop. &c. apud Escob. lib. 16. num. 749.* who consents, n. 750. if in no way the knowledge of the person can be acquired, because otherwise, (as they say) no injury can happen to the penitent from such disclosure. However, the second most common opinion, and by far the more probable one, which hold *Suar. d. 33. sect. 3. num. 8. Bouac. q. 6. sect. 5. part. 4. n. 3. Filliuc. c. 11. num. 322. Concina, p. 740. n. 13. Viva, q. 10. art. 2. n. 7. Tamb. lib. 5. c. 3. §. 5. Hozlm. n. 711. cum Laym. et Pal. Sporer num. 827. cum Diana, et communi, ut asserit *Lugo d. 23. n. 64. cum Vasquez, Con. et Ledesm.* teaches, that if a city be small, (say if it do not consist of more than 3000 men) then the seal is violated. The reason is, because, although in that case, the person is not revealed; yet since the disclosure tends to the dishonour of the whole community, it redounds also*

latione redderetur ei odiosa confessio. Secus vero, si oppidum sit amplum, et crima sint publica, ut dicunt *Lugo, Conc. Spor. Viva, et Tambur. ll. cc. contra Vasq.* qui nimis rigide id reprobatur. Hocque permittit *Petrocorens.* t. 4. p. 90. q. 4. etiam concionatoribus, modo non dicant se audisse in confessionibus. Idem sentit *Habert* t. 6. p. 261. q. 14. r. 3. dicens licitum esse confessariis in concionibus generatim invehere in vitia quae occulte grassantur. Idque expresse permittitur in cap. *Si sacerdos 2. de Offic. Jub. Ord. ubi dicitur: Si sacerdos sciāt pro certo aliquem esse reūm alicujus criminis, vel si confessus fuerit . . . non debet eum arguere nominatim, sed indeterminate.* *Id est in genere, ut explicat Panormitanus in dict. cap. 2.*

to the loss of the penitent who is a member of that community, and, therefore, by such a disclosure the confession would be rendered odious. But otherwise, if the town be large, and the crimes public, as say *Lugo, Conc. Spor. Viva.* and *Tambur* against *Vasq.*, who too rigidly reprobates the opinion. And this, *Petrocorens* permits, t. 4. p. 90. q. 4. also to preachers, provided they do not say that they heard them in confession. The same, *Habert* thinks, t. 6. p. 261. q. 14. r. 3. saying that it is lawful for confessors in assemblies to inveigh in general terms against vices which develop themselves in secret. And that he expressly permits in cap. *Si Sacerdos 2. de Offic. Jub. Ord.* where it is said, If a priest know for certainty that any one was accused of any crime, or if he have confessed it, he ought not to impeach by name, but indeterminately, that is, in general terms, as *Panormitanus* explains, in dict. cap. 2.

“Dubitatur 2. an frangat sigillum confessarius, qui dicit religiosum ex tali conventu sibi confessum esse grave peccatum? Negat *Escobar lib. 16. n. 713. cum Henrīq. Nugno, Fagn. et Candido*, modo non ingerat notitiam personæ particularis. Verius tamen affirmant *Busemb. et Suar. d. 33. sect.*

It is doubted, 2. Whether a confessor breaks the seal, who says that a religious of a certain convent, confessed a great sin. *Escobar lib. 16. n. 713. cum Henrīq. Nugno. Fagn. et Candido* denies that he does, provided that he do not convey a knowledge of the particular person. But more truly

3. Concin. p. 743. n. 8. Bon. p. 4. n. 3. Diana, p. 5. tr. 11. r. 23. Pal. p. 5. §. 3. n. 11. cum Nav. Laym. et Henr. item S. Anton. Vill. et Gran. apud Escobar n. 751. Ratio, quia tune singuli illius conventus detrimentum patiuntur. Et sic pariter confessarius violabit sigillum, si dicat, in conventu illo talia peccata committi. Non vero (ut rationabiliter ait *P. Conc. contra Dian. ap. Bus. ut supra*) si tantum diceret se audisse peccatum religiosi ejusdam ordinis: quia haec neque est revelatio sigilli, neque redundat in gravamen poenitentis, cum in quolibet ordine aliqui mali sint: unde neque oritur scandalum, neque infamatur religio, nisi (recte limitat) religio illa esset arctioris observantiae.

“ 655.—‘4. Notitia in sola confessione accepta nullo casu uti licet, si periculum sit revelationis, saltem indirectæ. Verum, si nullum sit periculum, ut vel poenitens, vel usus scientiae innotescat, etsi probabile sit, licere uti ad alterius gubernationem, v. gr. negando suffragium ei quem ex sola confessione scit indignum esse, vel claudendo ostium, per quod quis noctu ingreditur ad peccandum: item, cognita

Busemb. and Suan. d. 33. sect. 3. Concin. p. 743. n. 8. Bon. p. 4. n. 3. Diana, p. 5. tr. 11. r. 23. Pal. p. 5. §. 3. n. 11. cum Nav. Laym. et Henr. item S. Anton. Vill. et Gran. apud Escobar n. 751. affirm that he does. The reason is, because each member of that convent suffers loss. And thus the confessor violates the seal if he say that such sins were committed in that convent. But not (*as P. Concin. contra Dian. apud Bus.* as above rationally says) if only he should say that he heard the sin of such a religious order; because this is neither a disclosure of the seal, nor does it redound to the loss of the penitent, since in every order some are bad; whence neither can scandal arise, nor is religion defamed, unless, (he rightly limits) that religious order be of a more strict character.

“ 655.—‘4. It is in no case lawful to use knowledge received from confession alone, if there be danger of disclosure at least indirect. But if there be no peril that either the penitent, or use of knowledge may prove hurtful, although it be probable, it is lawful to use it for the direction of another; for instance, by denying a vote to him whom he knows from confession alone, to be unworthy, or by shutting the

proditione futura, monendo de diligent custodia, impediendo clam matrimonium, quando scitur impedimentum, uti docent *Vasq. Henr. Navarr.* etc. contrarium tamen verius videtur, quod docent *Fumus, Sanch. Con. Laym. Dian.* p. 3. tr. 4. r. 76. et p. 5. tract. 11. r. 3. et alii; quia haec doctrina posset poenitentem absterre a confessione. Et quidem superioribus religionum talis gubernandi modus prohibitus est anno 1594. cum in soc. Jesu jam ante idem statutum esset, prohibitumque contrarium docere. *Vide Dian.* p. 4. t. 4. r. 202. Contra vero ad sui ipsius gubernationem licere tali casu ea scientia uti, videri probabilius, v. gr. abstinendo a chalice, in quo scitur esse venenum, deflectendo a sylva, in qua paratam sibi mortem sciat ex unius latronis confessione, docent *Sylv. Henr. Coninck. Laymann hic c. 15. contra Suar. Dian.* p. 5. d. 11. r. 46. Excipit *card. de Lugo* nisi actio, vel omissio confessarii inducat notitiam peccati, vel damnum afferat confitenti, contra *Con. disp. 9. dub. 4. etc.* qui putat licere, etsi inde mors poenitenti imminaret a sociis inferenda. *Vide 1. c. n. 108.*

door, by which one is in the habit of going out at night to commit sin; also a future treachery being known, by giving warning concerning a diligent guard, by secretly impeding a marriage, when an impediment is known, as *Vasq. Henr. Navarr.* &c. teach; however, the contrary appears the more true, which *Fumus. Sanch. Con. Laym. Dian.* p. 3. tr. 4. r. 76. and p. 5. tract. 11. r. 3. and others teach, because this doctrine might perhaps drive away the penitent from confession. And indeed to the superiors of religious orders, such a mode of governing was prohibited in the year 1594, although in the Jesuit order the same had been decreed long ago, and a prohibition issued to teach the contrary. See *Dian.* p. 4. t. 4. r. 202. But on the other hand, that it is lawful, in the governing of one's self, to use such knowledge, appears the more probable; for example, by abstaining from a chalice in which it is known that there is poison; by avoiding a wood, in which, from the confession of one robber, he may know that death is prepared for him, *Sylv. Henr. Coninck. Laymann, hic c. 15.* teach this against *Suar. Dian.* p. 5. d. 11. r. 46. Cardinal de Lugo makes an exception,

unless the action or omission of the confessor may lead to a knowledge of the sin, or bring loss to him that confesses, against Con. Disp. 9. dub. 4. &c. who thinks that it is lawful, although thence death would threaten to be inflicted on the penitent by his accomplices. — (Vide l. c. n. 108.)

“ 5. ‘ Denique facere aliquid, ex quo soli pœnitenti innotescere posset id fieri ex notitia confessionis, esse contra sigillum, negant *D. Thom. Bon. Sot. Vasq. etc. Affirmant Sylv. Vald. Con. Dian. part. 3. t. 4. r. 46.* Idque confirmant *Fag. Gran. cardinal de Lugo, et Avers. q. 18. sect. 8.* si tale sit, quod pœnitenti ruborem vel molestiam afferat, v. gr. si vultum ei austriorem ostenderet, vel eum declinaret; secus, si ei sit gratum, vel saltem confessionem odiosam aut difficiliorem non reddat; v. gr. si audisset eum ad indignationem, aut odium provocatum, vel in temptationem incidisse ex certo facto, vel dicto ipsius confessarii, indeque ipse a talibus factis, vel dictis abstineat, etc.’

“ 656.—*Omnia hæc diligenter sunt discutienda. Dubitatur I. an superior ob*

“ ‘ Finally, to do anything from which it could become known to the penitent alone that it was done from a knowledge of confession, would be against the seal, *D. Thomas, Bon. Sot. Vasq. &c. deny. Sylv. Vald. Con. Dian. part. 3. t. 4. r. 46. affirm it.* And this, *Fag. Grand. Cardinal de Lugo, and Avers. q. 18. sect. 8. confirm,* if it be such that it brings shame or trouble upon the penitent; for example, if he would shew a severer countenance to him, or avoid him: otherwise, if it be grateful to him, or at least, if it do not render the confession odious, or more difficult; for example, if he had heard that he had fallen into indignation, or provocation, or hatred, or temptation from a certain act or saying of the confessor himself, and thence that he may abstain from such deeds or sayings, &c.’

“ 656.—All these things must be more carefully discussed. It is doubted, 1.

peccatum auditum in confessione possit amovere subditum ab officio? Affirmat *Sambovius* tom. 3. caus. 18. Idque prius docuit *divus Thomas* *Quodlib.* 5. quæst. 7. art. 13. modo absit revelatio peccati, sic dieens: Si ergo amotio subditi ab administratione possit inducere ad manifestandum peccatum in confessione auditum, vel ad aliquam probabilem suspicionem habendam de ipso, nullo modo prælatus deberet removere. Si vero per amotionem peccatum nullatenus manifestaretur, tunc, alia occasione accepta, posset subditum ab administratione removere, et deberet hoc facere, cum debita cautela. Et idem confirmat in *Suppl. q. 11. art. 1. ad 3.* *Idem dicunt. S. Bonav. Alexand. de Ales. Gabr. Palud. et Adrian. ap. Habert. t. 6. p. 260. q. 14. ac alii apud Suar. d. 33. sect. 7.* qui hanc sententiam vocat communem, ut revera erat inter antiquos.

“ Sed huic doctrinæ obstat hodie decret. *Clement. VIII. (de Casib. Reservatis pro omnibus relig. c. 4.) editum 26. maji ann. 1594.* ubi dictum fuit: Tam superiores pro tempore existentes, quam confessarii, qui postea ad superiori-

Whether a superior, on account of a sin heard in confession, may remove his subject from office? *Sambovius* tom. 3. caus. 18. affirms that he can. And that, the divine Thomas before hath taught, *quodlib. 5. quæst. 7. art. 13.* provided that there is no disclosure of sin, thus saying, ‘If therefore, the removal of a subject from office, can lead to the manifestation of sin heard in confession, or to the entertaining of some probable suspicion concerning him, by no means should the prelate remove him. But if by removal, in no way the sin would be made known, then, another occasion being taken, he can remove the subject from office, and he ought to do this with due caution. And the same he confirms in suppl. q. 11. art. 1, ad 3. The same say St. Bonav. Alex. de Ales. Gabr. Palud. et Adrian. ap. Habert. t. 6. p. 260. qu. 14. and others, with Suar. d. 33. sect. 7. who calls this opinion common, as it was indeed amongst the ancients.

“ But to this doctrine in this day the decree of Clement VIII. is opposed (concerning reserved cases for all religious, c. 4.) published on the 26th of May, in the year 1594, where it was said, ‘So let superiors who are such for the time

tatis gradum fuerint promoti, caveant diligentissime, ne ea notitia, quam de aliorum peccatis in confessione habuerint, ad exteriorem gubernationem utantur. Quamvis autem hoc decretum emanatum fuerit tantum pro superioribus regularibus, tamen recte dicunt *Holzm. n. 717. v. 20. et Croix*, extendi debere ad omnes (quidquid dicat Habert l. c.), cum eadem ratio quæ urget pro regularibus, valeat etiam pro secularibus, ne scilicet confessio reddatur odiosa. Præterquam quod id certius fiat ex alio decreto *Innocentii XI.* ut mox videbimus in dubio seq.

being, as also confessors, who afterwards may be advanced to the degree of superiors, beware most diligently lest they should use that knowledge which they acquire from confession concerning the sins of others, for the exterior government of the body.' But although this decree was issued only for regular superiors, however Holzm. n. 717, v. 20. and Croix rightly say, that it should be extended to all, (notwithstanding what Habert. l. c. says) since the same reason which applies to regulars, may prevail also with seculars, to wit, lest the confession should be rendered odious; moreover, that certainly may be done according to the decree of Innocent XI. as we shall immediately see in the following question.

"657.—Dub. II. an superior in electione beneficii vel officii, possit negare suffragium ei quem ex sola confessione noverit indignum? Affirmat idem *Sambovius l. c. cum S. Antonino 3. p. tit. 16. c. 22. §. l. in fine*, ubi scribit: *Qui liberam electionem habet, licet per solam confessionem sciat aliquem indignum ad prælaturam ad quam elititur, quem alias putabat dignum, non debet eligere ex conscientia sibi dictante, quia eligendo scienter*

"657.—It is doubted, II. Whether a superior in the election for a benefice or office, can deny his vote to him whom he knew to be unworthy from confession alone? Sambovius affirms the same, l. c. with S. Antonino, 3. p. tit. 16. c. 22. §. l. in fine, where he writes, 'He who has a free choice, although through confession alone he knows a certain person to be unworthy of being elected, to what he is chosen, when otherwise he is thought

dignum vel indignum negotium geritur inter ipsum eo Deum. Unde potest etiam ex his, quæ scit ut Deus, judicare in proposito. Sed omnino in negandum cum Sporer, n. 869. Viva Append. ad prop. damn. §. VII. p. 526. Conc. p. 744. n. 22. Croix num. 1977. Holzm. l. c. Ronc. p. 202. q. 6. Elbel loc. cit. et aliis. Hocque hodie certum est ex decret. S. C. gen. inquisitionis edito auctoritate Inn. XI. ann. 1682. 18. Nov. quo proscripta fuit sequens propositio ; *Scientia ex confessione acquisita uti licet, modo fiat sine directa aut indirecta revelatione, et gravamine pœnitentis, nisi aliud multo gravius ex non usu sequatur, in cuius comparatione prius merito contemnatur. Addita deinde explicatione, sive limitatione, quod sit intelligenda de usu scientiæ ex confessione acquisitæ cum gravamine pœnitentis, seclusa quacumque revelatione ; atque in casu quo multo gravius gravamen ejusdem pœnitentis ex non usu sequeretur. Hanc dictam propositionem, quatenus usum dictæ scientiæ cum gravamine pœnitentis admittit, etiam cum dicta explicatione, præsenti decreto prohibent, etc. Mandantes etiam universis sacramenti pœnitentiæ ministris, ut ab ea (doctrina) in praxim deducenda prorsus*

to be worthy, ought not to elect him, for the sake of his conscience dictating to him, because by choosing knowingly a worthy or unworthy person, the matter is carried on between himself and God. Whence he can form a judgment in purpose, even according to those things which he knows as God. But this is to be altogether denied with Sporer, n. 869. Viva Append. ad prop. damn. §. VII. p. 526. Conc. p. 744. n. 22. Croix num. 1977. Holzm. l. c. Ronc. p. 202. q. 6. Elbel loc. cit. et aliis. And this in the present day is certainly in accordance with the decree of the general inquisition published by authority of Innocent XI. in the year 1682, 18th Nov., in which the following proposition was proscribed ; It is lawful to use the knowledge acquired by confession, provided that it be done without direct or indirect disclosure, or the injury of the penitent ; unless another much more severe loss might follow from its non-use, in comparison of which, the former is justly thought nothing of. Thence, the explanation or limitation being added, that it be understood concerning the use of knowledge acquired from confession to the detriment of the penitent, disclosure being altogether ex-

abstineant. Hinc bene advertunt *Viva*, *Holzmann*, *Mazzotta*, et *Croix*, ll. cc. illicitum esse confessario ex notitia confessionis claudere pœnitentem in cubiculo, ne exeat ad peccandum : dimittere famulum, vel auferre ab eo claves, ne furetur : item ostendere pœnitenti vultum severiore, vel ei negare pristinam communicationem amicitiae. Neque admittendum cum *Sanch. de Matr.* l. 3. d. 16. n. 3. et 4. *Croix* n. 1963. 1976. et 1977. *Laym.* c. 14. ex n. 14. et *Holzm.* n. 717. id, quod perperam admittit *Sporer* n. 870. nempe, licitum esse ex scientia confessionis abstrahere claves aut pecuniam ab arca, claudere foras, non amplius committere claves famulo ; quia omnia hæc redundarent in gravamen seu exprobationem pœnitentis.

cluded, and in the case in which much severer detriment would arise to the penitent from its non-use. This said proposition, so far as it admits the use of knowledge derived from confession, with injury to the penitent, also with the said explication, they prohibit by the present decree, commanding, as they do, all the ministers of the sacrament of penance, that they shall altogether abstain from carrying that doctrine into practice. Hence, *Viva*, *Holzmann*, *Mazzotta*, and *Croix*, ll. cc. justly observe, that it is unlawful for a confessor, from the knowledge of confession, to shut up a penitent in his bed room, lest he should go forth to sin,—to dismiss a servant, or to take keys from him, lest he should steal ; also to shew to a penitent a severer countenance, or to deny the interchange of former friendship. Neither is it to be admitted, with *Sanch. de Matr.* l. 3. d. 16. n. 3. et 4. *Croix*. n. 1963, 1976, et 1977. *Laym.* c. 14. ex n. 14. et *Holzm.* n. 717 ; that which *Sporer* n. 870, unadvisedly admits ; to wit, that it is lawful, from the knowledge of confession, to take away keys or money from a chest,—to shut doors,—not any longer to give the keys to the servant ;—because all these things may redound to the

"Si vero superior ex alia via, quam confessionis judicet puta ex defectu aetatis, scientiae, prudentiae, vel quia noverit alios digniores ad beneficium, tunc posse eum, imo debere suffragium pœnitenti negare, dicunt *Natal. de Alex. de Sig. Confess. Reg. 57. et Merb. t. 2. p. 149. q. 50. ex D. Thom. in 4. d. 21. art. 1. ad 4.* ubi dixit: *Ex multis aliis causis aliquis redditur indignus ad prælationis officium, quam ex peccato, sicuti ex defectu scientiae, aetatis etc. et ideo qui contradicit, nec suspicione de crimine facit, nec confessionem revelat.* Sed hanc sententiam censeo cum Petrocor. t. 4. p. 95. tantum locum habere posse casu quo tales occurrerent circumstan-
tiae aliunde cognitae, sive ante sive post confessionem, quæ vere moverent superior-
em ad suffragium negandum, etiamsi nullam ex confessione notitiam habuisset indigni-
tatis pœnitentis. Unde minime audiendus auctor *additionum* ad *Wigandt* dicens, quod, esto ex sola scientia confessionis nequeat superior dirigi ad gubernationem externam, tamen poterit ex illa lumen accipere, et sumere alium exteriorem prætextum seu colorem ad negandum suffragium.

injury or reproach of the penitent.

"But if a Superior, by some other means than confession, judge, say from defect of age, knowledge, prudence, or because he knew that others were more worthy of the benefice, then he can, yea, he ought to deny his vote to the penitent, say *Natal. de Alex. de Sig. Confess. Reg. 57. et Merb. t. 2. p. 149. q. 50. ex D. Thom. in 4. d. 21. art. 1. ad 4.* where he says: from many other causes, one is rendered unworthy for the office of preferring, as from sin, so also from defect of knowledge, age, &c., and therefore, he who opposes him, neither causes a suspicion to arise concerning the crime, nor reveals the confession. But this opinion I think with Petrocor. t. 4. p. 95. can only have place in a case, in which such circumstances would occur, known from another quarter, either before or after confession, which truly would move the superior to deny his vote, even though he had no knowledge from confession, of the unworthiness of the penitent. Therefore, by no means, is the author of the additions to *Wigandt*, p. 389. ad 3. to be heard, when he says, that although a superior be unable from the know-

"Communiter tamen admittunt posse confessarium uti notitia confessionis ad se cautiorem reddendum in re familiari, ad socordiam excutientiam, ad diligentius invigilandum super gregem suum; modo nulla detur aliis suspicio peccati, neque ex hoc poenitens gravetur, vel implice redarguatur, Ita *Habert p. 261. r. 3. Antoine p. 549. v. Hinc, Pal. p. 5. §. 3. num. 18. Viva loc. cit. §. VII. Sporer num. 870. et Bon. p. 4. n. 3. cum Soto, et Reg. ex D. Thom. in 4. loco citato ad 1.* ubi ait: *Potest (confessarius) dicere prælato, quod diligenter invigilet super gregem suum, ita tamen quod non dicat aliquid, per quod verbo vel nutu confidentem prodat.* Omnia vero hæc P. Concin. p. 744. n. 23. absolute negat licere, dicens quod confessarius in omnibus se gerere debeat, ac si penitus ignoraret quæ ex sola confessione dignoscit. Nulli dubium, quin in prædictis actibus quam maxime caute confessarius procedere debeat, cum difficile sit in his omne periculum evitare vel revelationis vel gravaminis

ledge acquired in confession, to direct the external government of the Church; however, he can receive a light from it, and take another external pretext or colour for denying the vote.

"However, they commonly admit that a confessor can use the knowledge acquired in confession, to the rendering himself more cautious in family affairs, to the shaking off sloth, to the more diligent care of his own flock; provided that no cause for suspicion of sin be given to others, nor blame, nor loss, be attached to the penitent. So Habert p. 261. r. 3. Antoine, p. 549. v. hinc. Pal. p. 5. §. 3. num. 18. Viva loc. cit. §. VII. Sporer num. 870. and Bon. p. 4. n. 3. cum Soto, et Reg. ex D. Thom. in 4. loco citato ad 1., where he says: 'a confessor can speak to a Prelate, that he should more diligently watch over his own flock; provided however, he does not say anything by which, either in word or sign, he betrays him that confesses.' But P. Concin. p. 744. n. 23, absolutely denies that all these things are lawful; saying that a confessor ought to carry himself in all things as if he were altogether ignorant of what he knew from confession alone. There

pœnitentis. Ceterum, generalis regula est, fere ab omnibus recepta, licitum esse uti notitia confessionis, ubi nulla revelatio intervenit, nec ullum pœnitenti gravamen infertur ; Ita *Sanch. de Matrim* l. 3. d. 16. num. 4. *cardin. de Lugo* d. 23. num. 102. *Habert* t. 6. p. 260. *P. Suarez* d. 33. sect. 7. n. 9. *Viva App.* l. c. §. 9. *Antoine* p. 549. *Mazz.* t. 3. p. 589. *Holzmann* num. 717. et alii communiter : atque ipse *Concin.* dicto num. 23. in fine, præfatam regulam admittit, inquiens posse confessarium uti notitia confessionis tum ad reformandos proprios mores, tum ad servandam propriam vitam, cum duo concurrant, nempe si secretum custoditur, et confessio odiosa non redditur. Quapropter *Holzm. Antoine, Mazzotta, Viva, etc.* communiter admittunt posse sacerdotem ex notitia confessionis orare pro pœnitente, vel benignius erga ipsum se gere : item consulere libros et sapientes, rigorem temperare, ex confessione unius dirigi ad alios interrogandos vel instruendos, nullam tamen dando prioris confessionis suspicionem : item, (ut ait *Holzm.* loco citata v. Et hinc, cum *Stoz.*) posse præcavere a periculis et occasionibus damni spiritualis aut temporalis. Et sic pariter dicit *Bon.* p. 4. num. 19. cum *Nav. Regin. Zerola, etc.* posse

is no doubt, but that in the above mentioned cases, a confessor ought to proceed very cautiously, since it is hard in all these cases, to avoid all danger, either of revelation, or loss to the penitent. But it is a general rule, received by almost all, that it is lawful to use the knowledge acquired in confession, when no disclosure takes place, and when no detriment is done to the penitent. So *Sanch. de Matrim.* 13. d. 16. num. 4. *Card. de Lugo* d. 23. num. 102. *Habert*, t. 6. p. 260. *P. Suarez* d. 33. sect. 7. n. 9. *Viva, App.* l. c. §. 9. *Antoine*, p. 549. *Mazz.* t. 3. p. 589. *Holzmann*, num. 717. and others commonly teach ; and *Concin.* himself, in the said num. 23. in the end, admits the above mentioned rule, saying that the confessor can use the knowledge acquired in confession, both for reforming his own manners, and for preserving his own life, when the two conditions come together ; to wit, if the secret be kept, and the confession not rendered odious. Wherefore, *Holzm. Antoine, Mazzotta, Viva, &c.,* commonly admit that a priest can from a knowledge of confession, pray for his penitent, or conduct himself more kindly towards him,—also consult books, and the wise,

monere etiam alios, in genere tamen loquendo, nempe ut si bi caveant, ne exeant e domo, etc. semper tamen secluso omni periculo revelationis, vel gravaminis pœnitentis.

—moderate rigour—from the confession of one, that it should be directed to the interrogating, or instructing of others; however, by giving no suspicion of a former confession; also (as Holzm. says, loco citato, v. et hinc, cum Stoz,) that he can provide against dangers, or occasion of spiritual or temporal loss. And thus, likewise, Bon. says, p. 4. num. 19. cum Nav. Regin. Zerola, &c., that he can even admonish others, yet by speaking in general terms; for example, that they should beware, lest they should go out from their houses, &c.; in all cases, however, the danger of disclosure, or of injury to the penitent, must be avoided.

“658.—Dubitatur III. an confessarius possit communionem denegare pœnitenti, cui prius negavit absolutionem tanquam indisposito, si ille post haec occulte communionem petat? *Prima sententia* affirms, et hanc tenent *D. Thom. in 4. d. 9. q. un. art. 5.* dicens: *Si sacerdos sciat peccatum alicujus qui eucharistiam petit per confessionem si in occulto, debet ei denegare et monere ne in publico petat.* Item *Petrocor. t. 4. p. 95. n. 2. cum S. Bonav. et S. Anton. ac alii plures antiquiores apud Sanches, de Matrim. 1. 3. d. 16. num. 6.* Ratio, quia (ut di-

“658.—It is doubted, III. Whether a confessor can deny communion to a penitent, to whom, as unfit, he had before refused absolution, if he, after these things, secretly seek communion? The first opinion affirms that he can, and this opinion, the divine Thomas holds, in 4. d. 9. q. un. art. 5. q. 1, saying, ‘If a priest know the sin of any one who seeks the Eucharist, through confession, if it be in secret, he ought to deny it to him and to admonish him, lest he seek it in public.’ Also *Petrocor. t. 4. p. 95. n. 2. cum S. Bonav. et S. Anton. ac*

cunt) ex una parte tunc urget praeceptum negandi Sanctum canibus; ex alia ibi nulla intervenit sigilli revelatio, nec ulla injusta exprobatio, quæ redderet confessionem odiosam vere pœnitentibus: talis enim negatio vel monitio solis perire volentibus odiosam confessionem redderet, sed hoc non debet impedire, ne sacerdos peccatorem moneat, et sacramentum indigno deneget. Et sic pariter dicunt episcopum posse et teneri negare ordinem indigno ex confessione cognito, et parochum assistentiam matrimonio, in quo ex confessione neverit dirimens adesse impedimentum. *Secunda* tamen vera sententia negat; et hanc tenent *Sanches loc. cit. n. 5. cardinalis de Lugo d. 25. n. 126. Laymann c. 14. n. 22. Bonacina p. 5. num. 17 Salmanticenses de paen. c. 14. p. 3. n. 46. Sontin. Tournely de Euch. cap. 6. art. 1. con. 6. cum Henn, Sporer num. 869. Mazzotta c. 3. q. 5. Holzm. n. 717. Concin. p. 742. n. 18. et Croix lib. 6. p. 2. n. 1974. Ratio, quia hujusmodi dene-gatio sacramenti vel monitio confessionem redderet odiosam, non solum pœnitentibus illicite petentibus, sed etiam aliis, qui, si scirent quod confessarius posset aliquando uti notitia confessionis, facile absterrentur a sacramento pœ-*

alii plures antiquiores apud Sanches, de Matrim. 1. 3. d. 16. num. 6. The reason is, because (as they say) on the one hand, the command of denying holy things to the dogs, applies, and on the other hand, no disclosure of the seal happens, nor any unjust reproach, which would render the confession odious to the penitent; for such denial or admonition would render the confession odious to those alone who wish to perish; but this ought not to prevent a priest from admonishing the sinner, and denying the sacrament to the unworthy. And, thus, likewise, they say, that a Bishop can, and is bound to deny holy orders to an unworthy person that is known to be such from confession, and a priest, his assistance in matrimony, to which he knew from confession, that an impediment obstructed. However, the second true opinion denies it and this hold Sanchez loc. cit. n. 5. cardinalis de Lugo d. 25. n. 126. Laymann c. 14. n. 22. Bonacina p. 5. num. 17. Salmanticenses de paen. c. 14. p. 3. n. 46. Sontin. Tournely de Euch. cap. 6. art. 1. con. 6. cum Henn, Sporer num. 869. Mazzotta c. 3. q. 5. Holzm. n. 717. Concin. p. 742. n. 18. et Croix lib. 6. p. 2. n. 1974. The reason is, because such

nitentiæ. Hæc sententia hodie omnino est tenenda ex supra citato decreto *Innocent XI.* quo vetatur quilibet notitiæ confessionis usus, ex quo sequatur qualemcumque pœnitentis gravamen. *Vide num. anteced.* 657.

a denial of the sacrament, or admonition, would render confession odious, not only to penitents unlawfully seeking it, but also to others who, if they knew that the confessor could by any means use the knowledge acquired in confession, would easily be frightened from the sacrament of penance. This opinion in the *present day*, should by all means be held according to the above mentioned quoted decree of Innocent XI., who forbids any use of the knowledge of confession, from which, any loss whatsoever would follow to the penitent.

“ 659.—Dubit. IV. an sacerdos, qui ex confessione, noverit parari sibi insidias, possit fugere, sive aliter sibi cavere, aliquo prætextu arrepto? Certum est posse (ut recte ait *Lugo d. 23. num. 108.*) si ex tali cautione minime manifestatur aliis peccatum confessum, nec ullum gravamen pœnitenti affertur. Sed dubium est, an liceat ei fugere, si ex fuga alii, jam consci pœcata pœnitentis, conjicant pœnitentem esse illi confessum tale peccatum? *Prima sententia* affirms, modo nullum pœnitenti damnum obveniat: *Ita Palaus p. 5. § 3. num. 18. Bonac. p. 4. num. 27. Petrocorens. t. 4. p. 97. n. 4. Wigandt tr. 13. num. 122.*

“ 659.—It is doubted, IV. whether a priest who knew from confession, that snares were prepared for him, can fly, or otherwise by framing some excuse, take care of himself? It is certain, that he can, (as Lugo rightly says, d. 23. n. 108.) if from such a precaution, the sin confessed would by no means become known to others, neither would the penitent incur any loss. But it is doubtful, whether it is lawful for him to fly, if from that flight, others, now conscious of the sin of the penitent, conjecture that the penitent confessed such a sin to him. The first opinion affirms it, provided that no loss happen to the

ad 4. Sporer n. 863. Renzi p. 309. q. 9. cum Con. et Fag. ac Laym. c. 14. num. 21. cum Soto, Sylv. Adr. Gabr. et Henriq. Ratio, quia aliud est revelare peccatum confessum, aliud revelare confessionem peccati jam ab aliis cogniti : tunc enim non revelatur peccatum, sed tantum confessio facta peccati, quod non est contra sigillum. *Secunda* vero sententia (quam sequor) negat id esse licitum, et hanc tenent *Suar. d. 33. s. 7. n. 7. Salmant. c. 14. n. 45. et 53. Antoine p. 549. Elbel n. 524. Ronc. p. 99. q. 3. cum Navarr. et Led. Mazz. t. 3. p. 589. cum Viva, et La-Croix, ac Lugo d. 23. num. 110. cum Soto, Vasq. Ricch. et Medin.* Ratio, quia fuga illa esset quædam indirecta revelatio peccati confessi. Nec obstat dicere, quod tum fiat revelatio indirecta, cum ponitur actio, ex qua de se conjicitur peccatum confessum ; sed hic fuga confessarii nullo modo manifestat peccatum, sed tantum alii ex propria conscientia arguunt peccatum esse confessum. Sed respondetur cum Lugo, quod, positis talibus circumstantiis, nempe scientiæ aliorum criminis, et confessionis poenitentis, fuga illa esset vera revelatio, non solum confessionis factæ, sed etiam peccati confessi. Et licet confessarius fugam simularet ex aliquo prætextu,

penitent. So Palaus p. 5. §. 3. num. 18. Bonac. p. 4. num. 27. Petrocorens, t. 4. p. 97. n. 4. Wigandt tr. 13. num. 122. ad 4. Sporer n. 863. Renzi p. 309. q. 9. cum Con. et Fag. ac Laym. c. 14. n. 21. cum Soto, Sylv. Adr. Gabr. et Henriq. The reason is, because it is one thing to reveal a sin confessed, another thing to reveal the confession of a sin now known by others ; for then the sin is not revealed, but only a confession made of sin, which is not contrary to the seal. But the second opinion (which I follow) denies that it is lawful, and *Suar. d. 33. s. 7. n. 7. Salmant. c. 14. n. 45. et 53. Antoine p. 549. Elbel n. 524. Ronc. p. 99. q. 3. cum Navarr. et Led. Mazz. t. 3. p. 589. cum Viva, et La Croix, ac Lugo d. 23. num. 110. cum Soto, Vasq. Ricch. et Medin* hold this. The reason is, because that flight would be an indirect disclosure of the sin confessed. The objection does not hold good, that then an indirect disclosure is made when an action is proposed, from which of itself it is conjectured that a sin was confessed ; but this flight of the confessor in no way manifests the sin, but others only argue according to their own conscience, that a sin was confessed. But it is answered with Lugo, that such circum-

semper tamen aliquam rationabilem suspicionem præberet peccati confessi. Dicit autem *P. Cuniliati* tr. 14. c. 4. § 7. n. 10. quod eo casu pœnitens teneatur dare licentiam confessario, ut ille possit eximi a periculo; alias confessarius non tenetur ipsum absolvere, semper ac pœnitens potest licentiam præbere absque periculo sui gravis damni. Et addit, quod si pœnitens inuste licentiam denegat, confessarius, modo non det aliis suspicionem confessionis auditæ, licite poterit fugere ex notitia per confessionem recepta, ut a periculo se liberet; tunc enim (ait) nullum pœnitenti imminet gravamen, sed tantum adest manifestatio apud ipsummet negatae licentiae. Id tamen minime admittendum puto; nam licet absit gravamen pœnitentis, adest vero indirecta saltem revelatio notitiæ in confessione habitæ.

stances being supposed, to wit, of the knowledge of the crimes of others, and the confession of the penitent, that flight would be a true revelation, not only of confession made, but also of sin confessed. And although a confessor should feign flight from some pretext, however, he would always afford some reasonable suspicion of sin confessed. But *P. Cuniliati*, tr. 14. c. 4. §. 7. n. 10. says, that in that case, the penitent is bound to give license to the confessor, that he may be exempted from danger; otherwise, the confessor is not bound to absolve him. Always, also, a penitent can afford a license without great loss to himself. And he adds, that, if a penitent unjustly deny the license, the confessor, provided that he does not give suspicion to others that he heard confession, can lawfully fly, according to the knowledge received in confession, that he should free himself from danger; for then, (he says) that no loss would threaten the penitent, but only there is a manifestation to himself, of a denied license. However, I think that is by no means to be admitted: for, although there be no injury to the penitent, yet there is an indirect disclosure of knowledge acquired in confession.

" Hic autem notandum id quod dicit *Roncaglia de Sigill.* c. 2. regul. prax. num. 1. nempe, quod, si confessarius neverit aliquem ex confessione solitum esse multa peccata, sive tenuem dispositionem afferre, non poterit sine justa causa se celare, sive excusari ab eo audiendo, quando aspiceretur ab aliis, et iis suspicionem talem ingereret, multoque magis si poenitens id reputabit ut tacitam exprobationem suorum peccatorum: secus vero (ait) si nullus aspiceret, quia tunc nulla in aliis oriaretur suspicio. Sed huic ultimo non acquiesco; quia, si alias confessarius jam esset in confessionali, et ideo recedat, quia videt illum poenitentem accedere, etiamsi alii nihil adverterent, videtur tamen hoc illi gravamen afferre, et aliquo modo odiosam reddere confessionem, cum facile tunc poenitens credat, quod si ipsi confessus non fuisset, bene tunc suam confessionem, apud illum confessarium, ut cupit, expleret. Et hoc magis est verendum post decreta, ut supra num. 656. ubi prohibentur confessarii ullo modo uti notitia confessionis ad externam gubernationem, aut cum aliquo gravamine poenitentis; quod quidem intellegitur, ut inquit idem *Ronc.* cap. 2. quæst. 6. cum *S. Thom.* *Lugo, Sanches, etc.* etiamsi

" But here is to be noted that which Roncaglia says, de Sigill. c. 2. regul. prax. n. 1. to wit, that if a confessor knew from confession that any one was given to much sin, or that he had an inferior disposition, he could not without a just cause conceal himself, or be excused from hearing him, when he would be observed by others, and would convey such a suspicion to them; and much more, if the penitent thought that that was a tacit reproach for his sin. But otherwise, he says, if no one observe him, because then, no suspicion would arise in others. But I do not acquiesce in this last opinion; because, if otherwise, the confessor would now be in the confessional, and therefore departs, because he sees the penitent approaching, although others would observe nothing, however, this appears to inflict a great loss upon him, and in some manner would render the confession odious, since the penitent might, in that case, easily believe if he had not confessed that to him, he would have completed his confession to that confessor as he desired. And this rather is to be feared after the decree, as above, n. 656. where confessors are prohibited, in any manner to use the knowledge of con-

nulla intercedat revelatio, et etiamsi pœnitens nullo modo advertat hoc fieri ob confessionem peractam. Unde ex ipso *Ronec.* dico, quod licet tunc fuga illa ex prætextu apparenter justo non redderet confessionem odiosam tali pœnitenti, redderet tamen odiosam generaliter reipublicæ christianæ; quia si fideles, scirent posse confessarios ex colorato prætextu aufugere ab ipsis, ob notitiam in confessione acceptam suorum peccatorum, facile gravarentur. Licite autem confessarius se celabit, si justam habeat causam, ob quam etiam ab aliis pœnitentibus incognitis æque se excusaret. Neque obstat quod pœnitens tunc etiam suspicari posset confessarium se celare ob audita ejus peccata; nam si revera confessarius ob justam causam se excusaret, revera tunc sua suspicio esset temeraria, quam confessarius vitare non tenetur. Hinc concludo, quod circa hujusmodi pœnitentem ita se gerere debeat confessarius, ac se gereret erga alium, cuius nunquam confessionem excepisset. Approubo tamen id quod dicit idem *Roncagl. ibid. q. 5. cum de Lugo dist. 22. n. 116.* quod si pœnitens indispositus minitetur confessarium ob negatam absolutionem, bene poterit confessarius ab illo aufugere,

fession for external government, or with any loss to the penitent; which indeed is understood, as the same Ronc. cap. 2. quæst. 6. cum S. Thom. Lugo, Sanchez, &c. says, although no disclosure may occur, and although the penitent in no manner perceive that this was done on account of former confession. Whence from Ronc. himself, I say, that although that flight, apparently according to a just pretext, would not render confession odious to such a penitent; however, it would render it hateful generally to a Christian state, because, if the faithful knew that their confessors, from a pretext could fly from them, on account of the knowledge of their own sins acquired in confession, they might easily be offended. But lawfully, a confessor will conceal himself, if he have a just cause, on account of which, even because of things heard from other unknown penitents, he would equally excuse himself. Neither does the objection hold good, that a penitent then also might suspect that a confessor concealed himself on account of his sins which he had heard; for if, in reality, the confessor could excuse himself for a just cause, then truly the suspicion would be rash, which the

et non redire, quia tunc illæ minæ non sunt peccatum manifestatum ab absolutionem obtinendam, sed peccatum in confessione commissum, quod sigillo non gaudet. Sed ea fuga tantum permittitur confessario, si fugiendo non ingerrat aliis suspicionem negatæ absolutionis; quod si autem ingereret, posset recitare aliquam orationem, non jam intendendo deceptionem pœnitentis, sed solam liberationem ab illa vexatione, quamvis pœnitens se decipiat credens illam orationem esse formam absolutionis. *Vide dicta de Sacram. l. 6. n. 39. v. E converso.*"

confessor is not bound to shun. Hence I conclude, that a confessor ought to conduct himself toward such a penitent, as he would conduct himself toward another, of whom he never received a confession. However, I approve that which the same Roncagl. says, *ibid. q. 5. cum de Lugo, dist. 23. n. 116.* that if an indisposed penitent threaten a confessor on account of absolution denied, the confessor can justly fly from him, and not return; because, in that case, these threats are not a sin made known for the purpose of obtaining absolution, but a sin committed in confession, which does not require the seal. But that flight is only allowed to a confessor, if by flying, he does not give to others the suspicion of a denied absolution; but if he would give that, he can recite some speech, not intending to deceive the penitent, but only to obtain freedom from that trouble, although the penitent may deceive himself, believing that the declaration was the form of absolution. *Vide dicta de Sacram. l. 6. n. 39. v. E converso.*"

"660.—Dubitatur V. an confessarius sciens ex confessione ecclesiam esse pollutam, possit ibi celebrare? Hic casus quidem difficulter accidet;

"660.—It is doubted, V. whether a confessor knowing from confession, that a church was polluted, can celebrate there? This case can scarcely

nam (uti diximus hoc. l. 6. n. 364.) ut ecclesia polluatur, requiritur publica violatio; tamen aliquando bene accidere posset, nempe, si violatio esset quidem publica, sed confessario incognita, vel si alii ignorarent per tale factum ecclesiam esse pollutam. In his autem casibus, *prima sententia*, quam tenent Sporer. de Pœnit. num. 874. et Bon. eod. tit. q. 6. p. 4. num. 23. cum Sylvestr. Lavar. et aliis, dicit confessarium posse et teneri celebrare. Ratio, quia Ecclesia in favorem sigilli non videtur tunc velle obligare sacerdotem ad non celebrandum. *Secunda tamen sententia*, quam tenent Lugo dist. 23. n. 125. et Aversa ac Tambur. apud Croix l. 6. p. 2. n. 1976. censet eum non posse celebrare, quia ex una parte urget præceptum non sacrificandi in ecclesia polluta, et ex alia minime urget præceptum servandi sigilli, cum nullum adsit periculum revelationis apud alios, nec damni pœnitentis. Et hæc sententia videtur satis probabilis cum Mazz. p. 589. si revera nullum sequatur pœnitentis gravamen, et nulla fiat revelatio indirecta, puta si confessarius justum exponat prætextum alibi celebrandi.

“ Dubit VI. an, si ex con-

happen, for (as we have said l. 6. n. 364.) that a church may be polluted, a public violation is required; however, sometimes it can happen, to wit, if the violation be indeed public, but unknown to the confessor, or if others would not know that by such a deed the church would be polluted. But in these cases, the first opinion, which hold Sporer de Pœnit. num. 874. et Bon. eod. tit. q. 6. p. 4. num. 23. cum Sylvestr. Lavar. et aliis, says that he can, and is bound to celebrate. The reason is, because the church in favour of the seal, does not appear to wish in that case, that the priest should be obliged to the non-celebration. However, the second opinion thinks that he cannot celebrate; because, on the one hand, the command not to celebrate in a polluted church urges, and on the other hand, the precept of observing the seal, by no means applies, since there is no danger of disclosure amongst others, nor of loss to the penitent. And this opinion appears sufficiently probable, with Mazz. p. 589. if in truth the penitent suffer no detriment, and no indirect disclosures be made, say, if the confessor give a just pretext for celebrating elsewhere.

“ It is doubted, VI. whether

fessione scias, aliquem (cui solitus es confiteri) non esse sacerdotem, vel non esse confessarium, possis et tenearis pergere ad ei confitendum? Negat *Sanchez de Matrim.* lib. 3. d. 16. n. 5. et probabile putat *Sporer* n. 871. quia ex una parte non potes simulare susceptionem sacramenti, ex altera non violas sigillum omittendo confiteri; sic enim nihil revelas de crimine pœnitentis, cum innumeræ possint esse causæ mutandi confessarium. Communius tamen, et verius, tenent oppositum *Lugo* d. 23. n. 105. *Mazz.* t. 3. n. 189. et *Croix* n. 1978. cum *Viva, Dic.* et *Stoz*, ac etiam probabile censem *Sporer* l. c. Ratio, quia in tali omissione, quamvis non adsit revelationis sigilli, semper tamen adest quædam odiosa exprobratio pœnitentis. Neque tunc oportet tibi simulare sacramentum (quod revera esset intrinsece malum), sed potes illi ficto sacerdoti vel confessario simpliciter aliquid peccatum manifestare sine intentione absolutionis: quod in hoc casu non esset illicitum, cum tua cooperatio ad peccatum illius esset tantum materialis.

if you know from confession that any one (to whom you were accustomed to confess) was not a priest, or that he was not a confessor, you can, and are bound to confess to him? *Sanchez. de Matrim.* lib. 3. d. 16. n. 5. denies it, and *Sporer*, 871. thinks it probable, because on the one hand, you cannot feign the reception of a sacrament; on the other, you do not violate the seal by omitting to confess; for thus you reveal nothing concerning the crime of the penitent, since there may be innumerable causes for changing a confessor. However, the more common and true opinion holds the opposite, *Lugo* d. 23. n. 105. *Mazz.* t. 3. n. 189. et *Croix* n. 1978. cum *Viva, Dic.* et *Stoz*, and *Sporer* also thinks it probable. The reason is, because in such an omission, although there is not a disclosure of the seal; however, there is always a certain reproach attached to the penitent. Neither then does it behove you to feign a sacrament (which verily would be intrinsically evil) but you can make known to that feigned priest or confessor, some sin without the intention of absolution: which in this case would not be unlawful, since your co-operation to his sin, would be only material.

“661.—Ceterum, generaliter loquendo, dico, quod esto confessarius in hac materia, tam gravi et periculosa debeat esse valde cautus, ne pœnitentes ex confessione aliquod injustum gravamen subeant, ut sub initio animadversum voluimus; tamen non teneatur cavere omnes leves conjecturas, quas facile malitiosi faciunt, sed tantum ne præbeat suspiciones probabiles de peccatis auditis, ut dicunt Lugo d. 23. n. 106. cum Scot. Palat. et Med. ac Croix n. 1749. cum Gob. Tambur. et Gorm. ex D. Thom. Quodlibet 5. art. 13. ubi sic ait: *Si amotio subditi ab administratione possit inducere ad manifestandum peccatum in confessione auditum, vel ad aliquam (nota) probabilem suspicionem habendam de ipso, nullo modo prælatus debet subditum removere.*”—(p. 119. t. 7. cap. iii. de pœnit. lib. 6.)

“661.—But, I say, generally speaking, although a confessor in this matter, so grave and perilous, ought to be very cautious, lest penitents may incur any unjust injury from confession, (as at the beginning we wished him to take care) however, he is not bound to avoid all trifling conjectures, which the malicious can easily make, but only lest he afford probable suspicions concerning sins heard; as say Lugo, d. 23. n. 106. cum Scot. Palat. et Med. ac Croix n. 1749. cum Gob. Tambur. et Gorm. ex D. Thom. Quodlibet. 5. art. 13. where he thus says: ‘If the removal of a subject from office, can lead to the disclosure of a crime heard in confession, or to any (mark) probable suspicion to be held concerning himself, by no means ought the prelate to remove the subject.’”

The necessity for the seal will at once appear. The Romanist is bound to unbosom himself, to lay bare every thought, word, and deed of a sinful character to the Confessor Priest. It is then necessary that he should have some guarantee for strict secrecy. With all her pretensions to authority and infallibility, Rome could not maintain a dominion over the minds of men, and hold their souls in bondage through the confessional, if she did not appear to remove all hazard of disclosure on the part of the confessor. Hence the obligation of the seal: her object is to bring mankind within her power, to sway the minds of all through the confessional, and, therefore, she promises that the disclosure of sins and iniquities shall not be so taken advantage of as to prove injurious to the penitent.

The reason given again and again by Liguori for the observance of the seal is, that otherwise the “confessional would be rendered odious.” What then does he mean by these words? Let the saint answer for himself. He says:

“No. 641.—*For truly that only renders the confession odious which draws away penitents from the confessional,* and this odium is altogether to be avoided, in accordance with the institution of the sacrament, but not whatsoever odium which others would irrationally take from the confession of penitents.”

Again,—

“No. 643.—Because since these defects are offensive, and the confessor knew them from the occasion of confession, whilst the penitent was explaining his own sins, *their disclosure would in some manner render confession odious, and would drive persons from it.*”

Again,—

“Since these defects are known from the confession of sin by the confessor, *their publication would drive penitents from the confessional.*”

The confessional is by no means to be rendered odious, that is, so distasteful to the people that they would not frequent it;—hence the seal of the confessional. The Romanist thinks that he is safe in disclosing his sins to the Priest, otherwise he would not do so—*Domination is the object of Rome*—in the confessional the sinner is her slave, and to maintain that power she would accomplish any end.

The penitent discloses his intentions to murder his fellow-men—the priest may entreat, but he can do no more, he cannot disclose. Why? lest the confessional should be rendered odious, and her members cease to frequent it. Penitents disclose their intention (as in the reign of James it was confessed to Garnet the Jesuit) to destroy human life by wholesale murder—at one fell blow to sweep away the Royal family, the Lords and Commons. The priest cannot disclose, lest the confession would be rendered odious, or in other words, lest Rome should lose her ascendancy over the human mind; nay, the confessor himself, who learns from confession that his life is endangered, cannot take precautionary measures, if a disclosure of the confessional would thence follow, and men henceforth be deterred from confessing all their sinful intentions and acts.

Ascendancy over body and soul is the object of Rome. She claims the right to know the thoughts of the heart—she would hold the human family with an iron grasp; and if the safety of a whole state, the life and well-being of men, nay, even the existence of the confessor himself, afford an obstacle—then perish the state, perish the individual, nay, perish the confessor, and let penitents still with confidence commit all their sinful thoughts, words, and deeds to her keeping.

“Earthly, sensual, and devilish” tyrant, who gave thee the right to search the heart? Where in the Bible is there any mention made of the seal of the confessional? God is the sole searcher of the heart—“I the Lord search the heart and try the reins.”—“To God alone all hearts are open, all desires known, and from Him alone no secrets are hid,” but thou dost assume the prerogative of the living God, sitting in His temple, and virtually exalting thyself above Him.

Let it not however be supposed that Rome cannot turn the disclosures to her own account: as it will be seen, the confessor, with the license of the penitent, can act upon the communication made, and what devout Romanist, who is bound to regard the confessor “as God in the confessional” (See No. 646.) would not willingly give such a license for the meritorious purpose of serving “Holy Mother Church?” This license may be written or unwritten, nay, the confessor can judge by certain acts on the part of the penitent that a *virtual* license was given; and if a difference should arise between the priest and the penitent, the latter alleging that such a license was not granted, *the priest is to be believed and not the penitent!*

I would now give a synopsis of the statements made by Liguori on the seal:

No. 633.—The probable opinions cannot be acted upon in the matter of the seal. Those opinions, maintained by the saint and acted upon generally, cannot be regarded here.

No. 634.—The seal, of divine right, is to be observed most strictly in every case, even where the safety of a *whole nation is at stake!*

This was remarkably exemplified in the Gunpowder Plot. Garnet the Jesuit in his trial admitted, that the plot was revealed under the seal of the confessional, and yet he could not avert it. In a letter recently written by the Rev. Roderick Ryder, lately reformed, to his quondam Bishop, he asserts

that the priests are cognizant of murders which take place in Ireland. This statement is quite accordant with the above principle.

No. 635.—The violation of the seal is a sin of fearful character.

No. 636.—When a matter is received under the seal, extra-confessionally, or out of confession, the obligation is not undergone.

No. 638.—The seal is not broken, if in general terms the confessor says that Titius confessed venial sins, provided that he do not mention particulars.

No. 639.—If a testimonial be required from students, courtiers, &c., of having attended confession, the confessor may give it to them, even if they were so unworthy as not to have been meet for the reception of absolution ; hence murderers, adulterers, robbers, and all sorts of vile characters may thus receive a testimonial preparatory to the reception of the sacrament. And why ? that the secrecy of the seal may be inviolate, for example, if a testimonial were refused to such characters, that refusal would at once make it evident that they had confessed some great guilt.

However Cardinal de Lugo and others think that it would not be an infringement of the seal to deny a testimonial to such persons, but Liguori opposes the Cardinal, and says, that if it be simply written in the testimonial that the penitent confessed without any mention being made of absolution, *he may grant it* : he cannot, he says, deliberately *write* that the penitent was absolved when he was not, but if a *printed* form or certificate be put into the hands of the confessor, in which it is stated that the penitent *was absolved*, *he may sign it !*

Thus the confessor may give a printed testimonial to the most abandoned character, certifying that he was duly confessed and absolved, when he was not !!!

This is no lie, the saint adds, because the confessor only performs a *material act* !

No. 640.—All sins of the penitent, future and past, told for the purpose of accusing, fall under the seal, hence, if a man reveal his intention to commit murder, the priest cannot divulge it ! but if sins are mentioned by way of simple narration, they do not fall under the seal. According to the Thomists, accomplices can be brought under the influence of the priest—*inquiry* can be made concerning them.

No. 641.—With the license of the penitent, an accomplice can be corrected ; odiousness is that which is calculated to drive away penitents from the confessional. Penance imposed comes under the seal ; a circumstance not pertaining to the subject does not fall under the seal.

Here the Saints and Doctors disagree ; some think that defects and circumstances mentioned irrelevantly do not fall under the seal.

Cardinal de Lugo, Fagundez, Aversa, &c., maintain this, while other authorities think otherwise, on the ground that their disclosure would render confession odious, or drive away penitents from it. Liguori appears to agree with the latter. The same difference exists as to the defects of scrupulosity. By the way, it is worthy of notice that the Saint makes the following strange statement, “otherwise if it be said of a prelate, confessor, and the like, in whom *scrupulosity is a mark of a confused and irresolute mind.*”

No. 646.—In considering the persons bound by the seal, Liguori authorizes the confessor to swear that he does not know a sin which in reality was made known to him in the confessional. I have had occasion before when treating the subject of equivocation to notice this. The confessor is considered in a twofold point of view ; as God and man. God in the confessional, man out of it. If the confessor should be asked to swear without equivocation, *even in that case he may persist in his denial.* Thus there is no means by which the Church of Rome can be bound by an oath ; she will even swear that she does not use equivocation when in reality she does, and her conduct she justifies by that most convenient word—*distinguo.*

British legislators exact an oath from Romish members of Parliament, in which those members swear that they use no equivocation. I give the oath and a passage from Liguori in parallel columns, and it will be seen how its obligation can be evaded ; if it be not improper for a confessor to evade an oath, “*a fortiori*” it is not for a layman.

“ I do swear that I will defend to the utmost of my power, the settlement of property within this realm, as established by the laws ; and I

“ What if he should be asked to answer without equivocation ? *Even in that case he can answer with an oath that he does not know it,* as

do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm: and I do solemnly swear that I will never exercise any privilege to which I am or may be entitled, to disturb or weaken *the Protestant Religion, or Protestant government in this kingdom*, and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof in the plain and ordinary *sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever.*"

—*Oath for Roman Catholic Members of Parliament.*

more probably Lugo, n. 79. Croix, l. c. cum Stoz. et Holzm. num. 722. with Michel teach against others. The reason is, because then the confessor verily answers according to the oath made, which is always understood to be made *in the manner in which it was possible to be made*: to wit, of manifesting the truth without equivocation; *that is, without that equivocation which can be lawfully omitted*. But as to the *necessary equivocation which could not be omitted without sin, the other has not a right that an answer should be given to him without equivocation, neither moreover is the confessor bound to answer without equivocation.*"—No. 646.

No. 647.—The superior who grants licenses for reserved sins is bound by the seal—so also a confidant, a person who stealthily overhears, a layman supposed to be a priest, a doctor consulted on the case—he who writes the confession of an unlearned man—he who hath found a written confession and reads it, and according to some the penitent himself.

No. 648.—As to the doctor consulted with the license of the penitent, there is a variety of opinions;—according to the third opinion mentioned by Liguori he is bound by the seal.

No. 649.—The question arises, whether a "consiliarius," or person consulted preparatory to confession be bound to the seal? some answer in the affirmative, but the general opinion is in the negative.

No. 650.—The person who reads a written confession, with a few exceptions, is not bound by the seal according to the more probable opinion.

No. 651. A confessor can act on the knowledge acquired in the confessional, if he have a license from the penitent,

St. Thomas says, that the penitent "can so act, that that which the Priest knew as God he may also know as man, which he does, when he gives him permission to speak concerning them, and moreover, if he speak he does not break the seal."

As to the license, it must be free; but a most important statement is made: "*If it be doubtful whether the confessor may have spoken with the permission of the penitent, the priest is to be believed rather than the penitent.*"

Nos. 652, 653.—The confessor can speak to the penitent of sins made known in former confessions.

In No. 656 he discusses more minutely the subject considered in No. 655.

Here he maintains that a superior cannot remove his subject, priest, or otherwise from office, though from confession he knows him to be a murderer, an adulterer, the guiltiest character. If a man confess his intention to commit murder, he cannot be delivered up to justice, and the priest must coolly look on while the murderer does his guilty work. A Bishop cannot deny holy orders to a man whom by confession he knows to be unfit for the office.

So binding is the seal that a priest cannot save his own life, though from confession he knew that it was endangered, if thereby he should render confession odious.

No. 660.—If it be known from confession that the supposed priest to whom the penitent is accustomed to confess, is not in reality a priest or confessor, but a deceiver, the penitent is still bound to confess to him, lest the seal should be broken.

This co-operation, says Liguori, is not sin, but only a *material act*.

Remarkable are the words with which the Saint closes his dissertation:—

"If the removal of a subject from office can lead to the disclosure of a crime heard in confession, or to any probable suspicion to be held concerning himself, by no means ought the prelate to remove the subject."

SUBJECT OF CONVERSATION IN CONFESSORIAL.

II.—We will consider the subject matter of conversation or confession between the Priest and the Penitent. In one word it is *Sin*,—sin in all the varieties in which it can be committed.

In the secrecy of the confessional, secrecy, the inviolable character of which we have been considering—inviolable to suit the purposes of Rome,—the Priest and the penitent converse not “on righteousness and true holiness,” but *Sin*.

The Romanist kneels down beside the Priest, and having asked his benediction, repeats the *confiteor* as follows :—

“I confess to Almighty God, to the blessed Virgin Mary, to the blessed St. Michael, archangel, to the blessed St. John Baptist, to the holy Apostles St. Peter and St. Paul, to all the Saints, and to *you* my ghostly Father, that I have grievously offended in thought, word, and deed, *through my fault, through my fault, through my most grievous fault*.

“Therefore, I beseech the blessed Virgin Mary, the blessed St. Michael the archangel, the blessed St. John Baptist, the holy Apostles St. Peter and Paul, and all the Saints in Heaven, and *you* my ghostly Father, to pray to our Lord God for me.”—(p. 53. *The Key of Paradise*, Dublin, 1837.)

Some at the words “through my fault” make the confession, and afterwards close the *confiteor*; while others make the confession at the end of the *confiteor*.

Speaking on the necessity of confession, &c., the Council of Trent says :

“The Universal Church has always understood, that an *entire confession* of sins was ordained by Christ, and that it is of divine right, necessary to be observed by all who have fallen into sin after baptism, for our Lord Jesus Christ being taken from earth to heaven, left His priests as His vicars, to be judges and presidents; before whom the faithful should bring *all* the mortal sins into which they have fallen, to the end that using the power of the keys committed before them, for the remission or retaining of sins, they pronounce sentence; as it is manifest that the priests *could not exercise this jurisdiction, without knowledge of the causes of sin*, nor maintain equity in the infliction of penances, if penitents should confess their sins only in general and not in detail, it follows that they ought to disclose and enumerate *all the mortal sins*, with which they are conscious that they are chargeable, even the *most secret* of their transgressions; and ALL THE CIRCUMSTANCES which gave a particular complexion to them.”—(p. 91. *Can. and deer. Paris, 1832.*)

Thus it is necessary for Romanists to attend the confessional

at least once a year. All mortal sins and the circumstances connected with them must be detailed—Doctors have disagreed to a great extent in their views upon sin. Some doctors think certain sins mortal, while others think the same only venial. The devout Romanist will therefore confess all his sins, and it is the part of the confessor to adjudicate accordingly. The most unholy thoughts and actions are detailed in the confessional; the Priest, well instructed in all the forms and varieties of sin, gently leads the penitent and elicits a full confession. The penitent confesses as to God. Liguori, for the instruction of confessors, has written his treatise, and from it we learn the disgusting character of the confessional—so obscene is the treatise that the Saint feels it necessary to make an apology for it, similar to that which he offered when about to enter on the consideration of the sixth and ninth commandments.

His apology is as follows:—

“ It grieves me concerning this matter which contains so much filthiness, as by its very name will disturb pure minds, to give a longer dissertation; but, OH THAT THIS SUBJECT WERE NOT SO FREQUENT AS IT IS IN CONFESSIONS, THAT IT WOULD NOT BEHOVE THE CONFESSOR ALTOGETHER TO BE FULLY, BUT ONLY BRIEFLY INSTRUCTED;—BESIDES, LET THE CHASTE READER PARDON ME IF I SPEAK LARGELEY, AND ENTER INTO DETAILS WHICH EXHIBIT MORE UNSEEMLY UGLINESS; but, if it appear strange to any one that authors, moreover prudent and pious, should have treated largely concerning this matter, and described even *minute circumstances* of various cases, let him hear the most illustrious Ludovicus, who vindicates the excellent work on matrimony of the most learned Thomas Sanches from this censure, in the following words; ‘although he treats concerning the matter of filthy acts, yet hell is more filthy, and if the discourse be filthy, it is more so to be corrupt in sin, as Petrus Blessensis says, that author stirs up the filthy mire, for the purpose of curing the diseased. If men were angels they would not need such things.’”—(p. 402. t. 6. n. 900. cap. ii. de usu. Matrim. lib. vi.)

From this apology we learn:—

I.—The absolute filthiness of the Saint’s treatise on matrimony.

II.—That it is written specially for the instruction of con-

fessors, who must be fully instructed in all these matters, that they may be able to discharge the duties of their office.

III.—That these filthy subjects are debated in the confessional. Liguori now proceeds to discuss minutely all these questions.

In the “praxis confessarii” he considers the offices of a Confessor, which are fourfold, viz. Father—Physician—Doctor—and Judge.

First, as a Father he must be full of love, and when penitents who have committed atrocious wickedness approach, Liguori exhorts the confessor to address them to the following effect :—

“*Eja frater! bono animo. esto, noli timere; peccata tua impavidè confitere. Aperi omnia confidenter, nullius te pudeat, nihil refert, si in omnes tuæ conscientiæ sinus non introspexeris: sufficit si ad interrogata respondeas. Age Deo gratias qui te hucus, que ad pœnitentiam expectavit. Nunc tibi mutanda est vita. Lætare, quia Deus certe omnia peccata, quantumvis ingentia, tibi remittit, si bonum habes voluntatem; ideoque te expectavit, ut tibi parceret. Igitur hilari animo dic omnia, nihil involueris tegas.*”—(p. 4. t. 9. n. 3. cap. 4. Prax. Conf.)

“*Brother! be of good cheer, fear nothing, confess thy sins without fear, disclose every thing with confidence, BE ASHAMED OF NOTHING; it matters not, if you have not explored the secrets of your conscience: it suffices if you answer my interrogations. Give God thanks who hath invited you to such penitence. Now let your life be changed; rejoice, for God will certainly pardon all your sins, however grievous, if you have a good will, and therefore he hath invited thee that he should spare thee. Therefore tell every thing with a cheerful mind, conceal nothing through unwillingness.*”—(Prax. Conf. No. 3.)

If it be necessary in the course of the confession, the confessor shall add :—

“*Eja frater! vis te ab hoc vicio resipiscere? Non ita est? Et quoniam hoc facere es paratus, esto animo hilari.*

“*Brother! do you wish to recover from this wickedness? Is it not so? And since you are prepared to do this, be of*

Itaque enarra reliqua peccata, nihil reticens. Cave, quæso, ne sis aliquod sacrilegium commissurus; hoc enim esset maximum omnium peccatorum, quæ hucusque commisisti. Igitur dic omnia animo forti, vince te ipsum: Confitere omnia sincerè: Deus enim paratus est tibi parcere.”—(Idem. n. 3. ibid.)

Liguori exhorts that the confessor, as a father, must be bland in his manners.

Secondly, he is a Physician, “therefore he should know the origin and cause of all spiritual diseases.”

Some confessors inquire only the number and the species of sin, but says our Saint:—

“Aliter procedunt boni confessarii; hi enim prius investigare incipiunt morbi originem et gravitatem, interrogando de peccandi consuetudine, de occasionibus, de tempore, de loco, de personis quibuscum, quo rerum concursu. Sic enim melius poterunt pénitentes corripere, eos ad absolutionem disponere, et remedia salutaria.”—(p. 7. t. 2. n. 6. ibid.)

Thirdly, he is a Doctor,—as such he must be fully acquainted with sin in all its varieties, hence the Saint says, that

“Et S. Franciscus Salesius dicebat officium audiendi confessiones esse omnium maximum et difficillimum.”—(p. 16. t. 9. n. 17. ibid.)

a cheerful spirit; therefore narrate your remaining sins, concealing nothing. Beware, I beseech you, lest you commit sacrilege, for this is the greatest of all sins which you have hitherto committed. Therefore tell every thing with a cheerful spirit—conquer yourself—confess all things sincerely, for God is ready to spare thee.”—(*Ibid. No. 4.*)

“Good confessors act otherwise: for they, in the first place, begin to investigate the cause and seriousness of the disease, BY INTERROGATING CONCERNING THE HABIT OF SINNING—THE OCCASION—THE TIME—THE PLACE—THE PERSONS WITH WHOM—THE COMBINATION OF CIRCUMSTANCES. For thus they are better able to correct penitents, to dispose them to absolution, and to apply salutary remedies.”—(*Ibid. No. 6.*)

“St. Francis Sales says: The office of hearing confessions is, of all others, the most important and the most difficult.”—(*Ibid. No. 17.*)

Fourthly, he is a Judge—because,

“ Ita confessarius priùs debet conscientius fieri pœnitentis conscientiæ, postea ejus dispositionem inspicere, et postea absolutionem impertire, aut negare.”—(p. 19. t. 9.)

“ In the first place, the Confessor ought to know the state of the penitent’s conscience, after that, observe his disposition, and then either grant or withhold absolution.”
—(*Ibid. No. 19.*)

The following instructions are given as to the interrogations which are to be made by the confessor :—

INTERROGATIONS OF THE CONFESSOR.

“ Circa VI. et IX. *præceptum.* I. Interrogentur de cogitationibus, nùm desideraverint, aut morosè delectati fuerint de rebus dishonestis; et an plenè ad eas adverterint et consenserint. Deinde, nùm concupierint puellas, aut viduas, aut nuptias; et quid mali cum illis se facturos intenderint. In quo advertendum, quòd rusticī, communiter loquendo, existimant majus peccatum stuprum, quàm simplicem fornicationem: è contrario nesciunt malitiam adulterii; ideo cum iis, qui hujus vitii consuetudinem habent, non expedit eos monère de adulterii malitia, cùm prævidetur monitio parùm profutura, sed tantùm effectura, ut pœnitens duplii peccato peccet, si carnis concupiscentiis non resistet. De his autem cogitationibus, quibus assentiti sunt pœnitentes, sumendus est numerus certus, si habēri potest; sin autem, exquiratur, quoties in die, vel hebdomada, vel in mense cogitationibus consenserint. Sed si nec etiam id explicare possint, interrogentur, nùm concupierint singulas mulieres, quæ sibi occurserunt, vel in mentem venerunt; aut nùm habitualiter turpiter de aliqua in particulari cogitarint, numquam pravis consensibus resistendo, et an semper illam concupierint, vel an tantùm quando ipsam aspiciebant. Demum interrogentur etiam, nùm media apposuerint ad malas cogitationes exequendas; nam, ut diximus in libro (*l. 2. n. 42.*), tunc illa media, etsi indifferenta, à malitia interna informantur, et ideo explicanda ut peccata externa, sive opera incepta.

II. Circa verba obsecrā, interrogentur 1. Coram quibus, et quoties ita locuti sunt, ratione scandali; an coram viris, aut fœminis, uxoratis, aut non? pueris, vel adultis? facilius enim scandalizantur puellæ, et pueri, quàm adulti, præsertim

qui in hoc vitio sunt habituati. 2. Quæ dixerint verba ? an v. g. nominarint pudenda sexūs à suo diversi? hoc enim difficulter excusatur à mortali. 3. Nùm verba protulerint ex ira, vel joco ? nam ex ira difficultius aderit complacentia et scandalum. Caveat confessarius ab absolvendis hujusmodi recidivis in colloquiis turpibus ; quamvis dicant se ea protulisse ex joco, nisi priùs emendentur, vel signum extraordinarium doloris afferant. 4. Nùm jactaverint se de aliquo peccato ? tunc enim tria peccata frequenter concurrunt, scilicet magnum scandalum audientium, jactantia de malo commisso, et complacentia de peccato narrato : ideoque interrogandi sunt, de quo peccato in specie se jactarint (*l. 2. n. 26.*) Interrogentur etiam, an delectati sunt audire alios inhonestè loquentes, et an tunc adverterint ad correctionis præceptum, putantes eam profuturam ?

III. Circa opera interrogentur, quacum rem habuerint ? nùm aliàs cum eadem peccarint ? ubi peccatum fuerint patratum (ad occasiones removendas), quoties peccatum consummatum, et quot actus interrupti adfuerint, seorsim à peccato ? nùm peccato multùm antè consenserint ? Nam tunc actus interni interrumpuntur, juxta dicta (*l. c. n. 36.*) et tùm expedit formare judicium, toties multiplicata fuisse peccata, quot morulæ somni, distractionis, etc. adfuerint prout sunt coram Deo, tantùm interrogando de temporis duratione in peccato. Secùs si malum propositum fuerit conceptum per duos, vel tres dies ante consummationem peccati, et intra illud tempus non retractatum, quia tunc sumitur pro uno numero peccatum ; vide dicta *ibidem*.

Se polluentes interrogentur etiam de tactibus impudicis separatis à pollutionibus, et moneantur eos esse mortalia. Item interrogentur, an concupierint, vel an delectati fuerint de copula cogitata cum aliqua, vel pluribus mulieribus, aut pueris ; tunc enim tot peccata distincta committunt. Item adverte, quòd si quis coiret inter crura aut brachia mulieris, præter peccatum contra naturam, committeret fornicationem inchoatam, sive affectivam, ut dicunt communiter *Filliuc. Tambur, Holz. Spor. etc.* (*l. 4. n. 466. v. Primam.*) ; unde hic duo patraret peccata diversæ speciei, unum contra naturam in effectu, alterum fornicationis in affectu. Circa peccata conjugum respectu ad debitum maritale, ordinariè loquendo confessarius non tenetur, nec decet interrogare, nisi uxores, an illud reddiderint, modestiori modo quo possit, putà, an

fuerint obedientes viris in omnibus? de aliis taceat, nisi interrogatus fuerit. Quæ autem liceant, et quæ vetentur inter conjuges circa idem debitum; vide quæ fūsè dicta sunt in Opere. lib. 6. n. 900.—(p. 37. t. 9.)

INSTRUCTIONS OF CONFESSORIAL INTENDED FOR MAN AND WIFE.

Liguori enters largely upon the sins of the married state, for the purpose of enabling the confessor to examine the penitent fully upon all the varieties of sin. I dare not translate any part of his treatise “de usu matrimonii;” I will, however, give a portion of it in the Latin, as a further proof of the obscenity of the confessional.

“ 909—‘ III. Si fiat cum gravi periculo vitæ, aut sanitatis: nisi tamen sit causa gravis, cui damnum corporale videatur postponendum, v. gr. periculum incontinentiæ in se, vel comparte. Bon. p. 6. n. 8. Perez. d. 50. s. 4. num. 5.’

“ Dubit. 1. An liceat petere cum periculo sanitatis, nempe si alteruter conjugum laboret leprâ, morbo gallico, phthisi, aut alio morbo contagioso? Per se loquendo non licet, cùm nemo sit dominus suæ vitæ, aut salutis; attamen probabiliter *Bus. ut supra cum Bonac. et Perez, ac Sanch. l. 9. d. 24. n. 23. cum Cajet. P. Soto, Graff. item Boss. c. 1. n. 195. et 209. cum Pont. Laym. et Req.* dicunt, quòd si morbus esset diuturuus, et non proximè tendens ad mortem, nempe quòd non soleat de brevi et facili mortem inferre, ut esset pestis, aut lepra leonina (qua frustatim membra decidunt), tunc non erit illicitum sano petere, si aderit justa causa, nimirùm fovendi amorem conjugalem, aut vitandi incontinentiam in se vel in altero, quia alias esset valde onerosum tamdiu abstinêre abusus conjugii, quod vix poterit esse sine periculo incontinentiæ. Advertendum tamen quòd conjux infectus morbo gallico, aut simili contagioso, non poterit petere ab altero inscio, nisi vitium suum illi manifestet, et manifestando possit alteri remediis occurrere morbo, imò nec etiam poterit reddere nisi certiore facto sano. Hinc benè ait *Bossius c. 1. n. 180.*, quòd duplice peccaret, qui laborans morbo gallico fornicationem committeret; et insuper teneretur compensare expensas pro curatione. Probabiliter tamen ab hac compensatione excusat fœminas, nisi ipsæ requisitæ fraudulenter suum morbum tegerent. Non potest igitur conjux infectus tunc reddere, nisi

morbum manifestat. Cæterùm verò non tenetur manifestare, quia non tenetur cum tanto detrimento suæ famæ conjugale præstare: in omnibus enim contractibus gravissimum incommodum in solutione excusat à debito reddendo, ut ait *Tamb. l. 7. decision. c. 3. §. 5. n. 23. cum Soto*, juxta dicenda in simili casu *n. 944*.

“ 910.—Non licet autem petere statim à balneis, vel à sectione venæ; nam, ut dicunt *Sanch. l. 9. d. 24. n. 5. Bon. q. 4. p. 1. n. 4. et Poss. c. 1. n. 171. cum S. Ant. et Fill.* coitus eo tempore est notabiliter periculosus. Idem dicunt *Bon. l. c. Pont. l. 10. c. 14. n. 3. Sanch. n. 3. Boss. n. 170. cum aliis de laborante febri.* Idem ait *Croix de viro coëunte cum uxore laborante gonorrhœâ, scilicet profluvio seminis, dicto fluxo albo;* sed quidam medicus mihi asseruit minimè nocere talem copulam neque viro, neque mulieri. Præterquam quòd non videtur copula tunc prohiberi, cùm hujusmodi fluxus soleant esse ferè perpetui, unde grave incommodum esset conjugibus tandiu abstinere ab usu matrimonii, prout dictum est de muliere laborante menstruo innaturali; *vide dicenda n. 925.* Excipiendum tamen, nisi fluxus sit maleficus; et tunc etiam excusatur coitus, si adsit periculum incontinentiæ tam in petente, quàm in reddente, juxta mox dicta *n. præced.* Vir autem laborans fluxu seminis semper licet potest petere, quia coitus nullum affert damnum nec ipsi, nec uxori, nec proli; ita *Sanch. l. 9. d. 11. num. 9.*

“ Videtur etiam non licere petere statim post prandium, dùm inquiunt *Pontius lib. 11. c. 14. n. 3. Bonac. quæst. 4. p. 1. num. 6. Boss. c. 1. n. 171. cum Palud. et Sanch. l. 9 d. 24. n. 4. cum Vega,* conjuges sæpè excusari à reddendo in tali tempore, eò quòd coitus soleat tunc afferre grave damnum, ob ciborum cruditatem, vel corruptionem, quam causat. Refertque *S. Anton. p. 1. tit. 1. l. 16. §. 10.* quemdam propter hoc in phthisim incidisse. Sed dico, quòd si hoc esset verum, omnes ferè conjuges phthisici evaderent. Medici autem, quos consului, et experientia negant in hoc grave damnum adesse. Hinc non auderem damnare conjugem post prandium petentem, cùm isti communiter post prandium vel cœnam soleant coire. Neque contrà excusarem hâc ratione conjugem à reddendo, nisi experientiâ constaret, quòd tali coitu ipsi, vel alteri notabile damnum provenerit; aliás certum est ipsos teneri ad reddendum etiam cum aliquali seu levi impedimento, juxta dicenda *n. 950. v. Quæritur.*

“ 911.—Dubitatur 2. An liceat debitum petere tempore lactationis? Alii negant, *ut Butrius, et Alex. de Nevo ap. Boss. c. 1. n. 213.* Imò *Tiraq.* et alius Auctor *ap. Sanch. l. 9. d. 22. n. 13.* dicunt esse mortale; tūm quia in *can. fin. dist. 5. D. Gregor.* dicit: *Ad ejus vero concubitum vir accedere non debet (debet, non autem decet, ut refert Sanch.) quousque qui gignitur ablactetur;* tūm quia in tali coitu est timor nocimenti proli, si uxor concipiatur. Communissimè verò affirmant licēre *Pal. p. 4. n. 14. Bon. p. 1. num. 11. Pont. l. 10. c. 14. num. 9. Salm. de matr. c. 15. p. 6. n. 79. Croix n. 326. Holz. n. 465. Elbel num. 390. Sanch. l. c. n. 14. cum Rich. Turrecr. Rosell. etc. ac Boss. c. 1. n. 214. cum Con. Fill. Hurt. Leand. Vill. etc.* Ratio, quia non extat lex prohibens; textum enim *D. Gregorii,* ajunt *Sanch. num. 16. Holzm. loc. cit. et Boss. num. 215.* esse solūm de consilio; item, quia periculum inficiendi lac, teste experientiā, rarum est; saltem non tantum, ut teneantur conjuges tanto tempore abstinere ab usu conjugii, cum continuo periculo peccandi. Excipiunt tamen *Pontius l. c. et Bossius n. 215.* si conjuges sint valde pauperes et prudens adsit timor de gravi damno proli; tunc enim (ut dicunt) neuter tenetur reddere, imò nec potest petere, etiamsi sit periculum incontinentiæ, quia non licet sibi consulere cum damno innocentis, cùm alia suppetant media ad incontinentiam sedandam. Verùm *Sanch. n. 15.* eo casu excusat quidem conjuges à reddendo (ut excusat etiam *Bonac. d. n. 11.,*) sed non audet damnare exigentem, dicens quòd tunc vel aliâ viâ ipse poterit proli consulere, vel erit justa causa ipsam periculo exponendi, ne tamdiu conjuges cogantur abstinere cum tanta difficultate. An autem conjuges peccent, respectu proli, petendo tempore prægnationis, vel menstrui aut purgationis post partum? *Vide dicenda n. 924, 925, et 926.* Et quid si conjuges laborent lepra? *Vide n. 950.* An autem liceat coire tempore menstrui? *Vide n. 925.*

“ 912.—‘ IV. Si fiat pravo fine, v. g. tantūm voluptatis causâ; quod tamen doct. communiter, ut *Sanch. l. 9. n. 11. Bon. q. 4. p. 6.* censem esse tantūm veniale, contra *Pontium,* qui vult esse nullum, nullem autem erit, si delectatio non quæsita sentiatur, vel ad eam se excitent, quando copula debita redditur. *Sanch. l. 9. d. 11. etc. Vide etiam Diana p. 3. t. 4. r. 216. Bon. p. 6. M. Perez d. 49. s. 2. n. 6.’*

“ Certum est esse illicitum habēre copulam propter solam voluptatem, ut patet ex prop. 9. damnata ab *Innoc. XI.* quæ

dicebat : *Opus conjugii ob solam voluptatem exercitum, omni penitus caret culpā, ac defectu veniali.* Commune tamen est apud omnes, id non esse mortale, sed tantūm veniale peccatum : ita *Sanch. l. 9. d. 11. num. 4. Pont. l. 1. c. 21. n. 6. et 11. Boss. c. 7. n. 63. et alii passim*, ex *D. Th. Suppl. q. 64. a. 6.* ubi expressè id docet. Et ratio, cur non sit mortale, est, quia delectatio de aliquo objecto ex duplice tantūm capite potest esse mortalís, vel quia objectum ipsum est graviter vetitum, vel quia homo delectatur de illo tanquam ultimo fine ; sed in hac delectatione neutrum intervenit : non primum ut patet, non secundum ut supponitur. Non excusa tur autem à veniali, quia est perversio quædam ordinis, cùm delectatio quæ intenta est à natura ut medium ad generationem, fit finis habendæ copulæ. Nullum autem erit peccatum, ut rejectè ajunt *Croix n. 296. et Viva de matr. q. 3. a. 2. n. 4.* si conjux principaliter intendat procreationem proli, et utatur voluptate (eam moderatè intendens), ut se excitet ad copulam ; sicut pariter minimè peccat, qui intendit moderatam delectationem in comedendo, ad præstandum corpori conveniens alimentum.

“ 913. ‘V. Si exerceatur mente adulterâ, ut si, dūm accedit ad suam, imaginetur aliam, ut animum pascat, quod est mortale. *Sanch. Bonac. p. 6. n. 7.*’

“ Excusant autem à mortali *Sanch. l. 9. d. 16. n. 16. et Spor. n. 505.* conjugem qui se excitaret ad copulam, delectando de pulchritudine alterius personæ, sed absque affectu turpi ; at meritò dicunt hoc esse valde periculosum, et non permittendum. Sicut nec etiam permittendum puto cum *Diana apud Spor. l. c.* se excitare ad coitum, respiciendo, ad imagines diversi sexûs : maximè si essent sacræ, quod rectè ajunt *Croix n. 329. et Spor.* esse mortale, propter gravem irreverentiam.

“ 914.—An autem liceat marito delectari de copula aliena cogitata, ut se excitet ad coitum cum uxore ? Ex una parte videtur negandum, cùm objectum, de quo delectatur, sit per se turpe. Ex alia non videtur damnandum talem conjugem, cùm ideò solutis est illicita spectatio concubitûs humani, sive delectatio de visu cogitato talis concubitus, quia in tali visu vel delectatione adest proximum periculum commotionis spirituum generationi deservientium ; et cùm ipsis copula sit prohibita, consequenter etiam est vetita commotio spirituum ; conjugatis autem, cùm eis jam permissa sit copula, non videtur vetita saltem sub gravi talis commotio spirituum, quamvis ipsa ex delectatione illa oriatur. Hanc tamen cogitationem, si esset de copula inter personas determinatas, non excusarem à mortali,

ob facile periculum consentiendi in delectationem de copula cum conjuge aliena. Cæterū, quia hoc dubium apud nullum inveni discussum, sapientibus remitto decernendum. Illud autem, quod probabile putat *Arriaga de peccat. d. 47. n. 16.* nempe licitum esse marito delectari de copula cogitati inter ipsum, et alienam, dico cum *Croix num. 331.* omnino rejiciendum, cùm talis delectatio sit de objecto intrinsecè malo, et ipsi coniugi omnino vetito.

“ 915.—‘VI. Si fiat modo indebito, v. g. 1. Si non servetur vas naturale : quod multi docent esse veram sodomitiam, alii esse grave peccatum contra naturam. *Vide 6. præcept.* 2. Si sine justa causa situs sit innaturalis, præposterus, etc. quod aliqui dicunt esse mortale, alii, secluso periculo effusionis seminis, veniale tantum, etsi grave, et graviter increpandum. *Dian. part. 3. t. 4. res. 204.* 3. Si alter conjugum ex morositate, vel alia ratione seminationem cohibeat : quod quidam generatim dicunt esse mortale, quia finis actus conjugalis, scilicet generatio, impeditur; quidam tamen, ut *Præp. et Sanch.*, dicunt in fœmina nullum esse. *Vide Bon. p. 6. n. 15. et p. 1.*”

“ 916.—Quær. I. An peccet mortaliter vir inchoando copulam in vase præpostero, ut postea in vase debito eam consummet? Negant *Nav. l. 5. consil. de pœnit. cons. 7. ac Ang. Zerola, Graff. Zanard. et Gam. ap. Dian. p. 2. t. 17. r. 37.* modò absit periculum pollutionis ; quia alias (ut ajunt) omnes tactus etiam venerei non sunt graviter illiciti inter conjugatos. Sed communiter et verius affirmant *Sanch. l. 9. d. 17. n. 5. Pont. l. 10. c. 11. n. 5. Pal. p. 4. §. 2. n. 6. Bon. p. 11. n. 12. Spor. n. 497. Tamb. l. 7. c. 3. §. 5. n. 31. et Boss. c. 7. num. 174. cum Fill. Perez, Aversa, Fagund. et Leand.* Ratio, quia ipse hujusmodi coitus (etsi absque seminatione) est vera sodomia, quamvis non consummata ; sicut ipsa copula in vase naturali mulieris alienæ est vera fornicatio, licet non adsit seminatio. An autem sit mortale viro perficere virilia circa vas præpostorum uxoris? Negant *Sanch. num. 5. et Boss. n. 175. cum Fill. et Perez*, quia tangere os vasis præposteri non est ordinatum ad copulam sodomiticam. Sed verius pariter affirmant *Pont. l. c. Pal. n. 6. Diana p. 4. tr. 4. r. 104. et p. 5. tr. 7. r. 7.*; item *Fag. Leand. etc. ap. Boss. l. c. atque Tamb. n. 32.* (qui testatur ab aliquibus codicibus sententiam *Thomæ Sanch.* esse deletam : imò *Moya* asserit ipsum *Sanch.* se retractasse in editione Antverpiensi anni 1614.) Ratio est,

quia saltem talis tactus non potest moraliter fieri sine affectu sodomitico.

“ 917.—Quær. II. An et quomodo peccent conjuges coēundo situ innaturali ? Situs naturalis est, ut mulier sit succuba, et vir incubus ; hic enim modus aptior est effusioni seminis virilis, et receptioni in vas fœmineum ad prolem procreandam. Situs autem innaturalis est, si coitus aliter fiat, nempe sedendo, stando, de latere, vel præpostorè more pecudum, vel si vir sit succubus, et mulier incuba. Coitum hunc, præter situm naturalem, alii apud *Sanch. l. 9. d. 16. n. 2.* genericè damnant de mortali ; alii verò dicunt esse mortale ultimos duos modos, dicentes ab his ipsam naturam abhorrire. Sed communiter dicunt alii, omnes istos modos non excedere culpam venialem. Ratio, quia ex una parte, licet adsit aliqua inordinatio, ipsa tamen non est tanta, ut pertingat ad mortale, cùm solùm versetur circa accidentalia copulae ; ex alia parte, mutatio sitūs generationem non impedit, cùm semen viri non recipiatur in matricem mulieris per infusionem, seu descensum, sed per attractionem, dùm matrix ex se naturaliter virile semen attrahat ; ita *S. Anton. 3. p. tit. 2. c. 2. §. 3. in fine cum Alb. M. Nav. c. 16. n. 42. Pont. l. 10. c. 11. n. 1. Petroc. t. 4. p. 443. v. Tertius casus. Salm. de matr. c. 15. p. 5. n. 73. Boss. c. 7. n. 68. Holzm. n. 458. Sporer n. 493. Ronc. p. 184. q. 4. Croix n. 332. Pal. de sponsal. d. 3. p. 4. §. 3. n. 1. cum Sa, Tolet. Hurt. Coninch. et Henr. ac Sanch. l. 9. d. 16. n. 3. cum Gerson, Caj. P. Soto, Dom. Soto, Sylv. Arm. Vict. etc.* Et apertè favet *D. Th. in 4. d. 31. in fin. in exp. litt.* ubi sic ait : *Sed in secundo modo (nempe mutando situm naturalem) non semper est peccatum mortale, ut quidam dicunt, sed potest esse signum mortalis concupiscentiæ.* Ergò ex *D. Thoma* mutatio sitūs per se non est mortalís, sed potest esse mortalís ex prava *concupiscentia*, putà ex affectu bestialitatis, vel sodomiae, vel si hujusmodi voluptas habeatur ut finis ultimus. Hinc communiter dicunt præfati AA, cum *Conc. p. 403. n. 2.* conjuges minimè peccare, si mutant situm ex justa causa, nempe ob ægritudinem, vel pinguedinem viri, vel ob periculum abortūs, aut scandali aliorum, idque expressè dicet Angelicus *l. c.* ubi subdit : *Quandoque sine peccato esse potest, quando dispositio corporis aliud modum non patitur; aliás tantò est gravius, quantò magis à naturali modo receditur.* E converso convenient omnes (ut asserunt *Sanch. n. 5. Pal. l. c. Boss. n. 171. etc.*) quòd si experientiâ constaret, quòd mutato naturali situ nihil

seminis fœmina retineret ob nimiam vasis laxitatem, vel humiditatem, vel propter aliquam infirmitatem naturalem, ut ait *Palaus*, tunc esset mortale: secùs verò dicit *Sanch.*, si non ex situ, sed ex aliquo morbo mulieris talis effusio provenit.

“ Dicunt autem *Sanch.* d. n. 5. *Pont.* d. c. 11. n. 3. *Pal.* d. n. 1. et *Boss.* n. 171. cum *Perez*, *Hurt.* et *Aversa*, non esse mortale, si ob variationem sitùs pars tantùm seminis decidat, reliquo intra vas retento sufficiente ad generationem; quod dicunt *Sanch.* et *Bossius* aliquando evenire; imò ferè semper evenire ajunt *Pal.* et *Pontius*, qui testatur sic medicos asserere. Verùm *Salm.* de matr. c. 15. p. 5. n. 74. hanc opinionem vocant nimis laxam, quia (ut inquiunt) prodigere semen humanum sine rationabili causa non potest excusari à mortali; certum dicunt ipsi *Salm.* l. c. ac *Sanch.* n. 5. et *Spor.* n. 493. cum *Aversa*, non tenèri confessarium interrogare conjugem de hoc se accusantem, an semen effusum sit, vel non, quia rarò (ut ajunt) accidit semen effundi; et sic etiam ego pluries audivi ab eis qui apud me in confessione se accusabant præpostorè coivisse. Eos verò qui coëunt stando, vel sedendo, vel muliere incuba, puto esse in majori periculo semen effundendi. Sed per hoc non audeo damnare sententiam *Sanchez*, *Pontii*, *Palai*, et aliorum ut suprà, nam possent ipsi *Salmanticensibus* respondere, quòd sine justa causa prodigere semen, sive (ut meliùs *Salmant.* dicere debebant) permittere ut semen prodigatur, nunquam liceat, quando semen extra vas uxoris effunditur, non verò quando intra immittitur, et per accidens, non autem ex ipso actu prodigitur, quia tunc matrix, ut dicunt AA. præfati, jam attrahit quod est sufficiens ad generationem, et reliquum tanquam superfluum expellit (1.) Utrùm autem teneatur conjux reddere alteri petenti debitum situ innaturali sine justa causa? *vide dicenda* n. 946.

“ 918.—Quær. III. An peccent mortaliter conjuges, si inceptâ copulâ cohibeant seminationem? Respondeatur: si conjuges ambo in hoc consentiunt, nec adsit periculum semiñandi extra vas, id per se loquendo non est mortale; illa enim penetratio vasis fœminei tunc reputatur iustar tactus verendorum, qui inter conjuges permittitur, vel saltem non est mortalís, secluso periculo pollutionis; ita communiter *S.*

“(1) ‘An sit mortale mutare situm, si propter id casu aliquid seminis effunditur? Affirmant *Salmanticenses*, sed communiùs negant *Sanch.* *Pont.* *Castr.* *Boss.* *Perez.* *Hurtad.* et *Aversa.*’ *Ex. Hom. Ap. tr.* 18. n. 39.—*Edit.*’”

Anton. 3. p. tit. 1. c. 20. §. 6. *Pont.* l. 10. c. 11. n. 9. *Pal.* p. 4. §. 3. n. 3. *Laym.* l. 6. sect. 4. n. 19. *Bonac.* quæst. 4. p. 6. n. 15. *Less.* l. 4. c. 3. n. 55. *Sporer* n. 490. *Salm.* de matr. c. 15. p. 6. n. 82. cum *Aversa*, et *Dic.* *Boss.* c. 9. n. 58. cum *Fill.* *Hurt.* et *Perez*, ac *Sanch.* l. 9. d. 19. n. 3. cum *Palud.* *Caj.* *Ang.* *Sa*, *Arm.* *Tasi*, etc. Dixi 1. si ambo consentiunt; nam si alter se retrahit sine alterius consensu, certè graviter peccat, ut dicunt omnes AA. præfati. Dixi 2. Per se loquendo, nam sapienter advertit *Sanch.* l. c. cum *Veracruz*, id ordinariè esse mortale, quia ordinariè adest periculum ex tali retractione effundendi semen, nisi conjuges experti sint oppositum: quo casu tamen puto nullo modo posse eos excusari saltem à veniali, quidquid dicat *Sanch.* *ibid.* cum aliis.

“ Si verò fœmina jam seminaverit, vel sit in probabili periculo seminandi, non potest quidem vir datâ operâ à seminatione se retrahere, sine gravi culpa; quia tunc ipse est causa, ut semen uxoris prodigatur, communiter dicunt *S. Anton.* loc. cit. *Salm.* de matr. c. 15. p. 6. n. 81. *Holzm.* n. 451. et *Sanch.* n. 4. cum *Palud.* *Caj.* *Ang.* *Sa*, et alii passim. Hoc tamen non erit ita intrinsecè malum, ut aliquo casu permitti non possit, putà si vir desisteret à copula ob periculum mortis, vel scandali aliorum; tunc enim licetè potest se retrahere etiam cum periculo pollutionis, quia hæc per accidens, et præter intentionem eveniret, et contrà, non tenetur cum periculo tanti damni generationem procurare; ita communiter *Sanch.* d. n. 4. *Pal.* n. 5. *Dian.* 3. p. tr. 4. r. 204. *Boss.* n. 60. cum *Less.* *Aversa*, et *Perez*, ac *Salm.* dict. n. 81. cum *Caj.* *Dicast.* *Hen.* etc. Hæc sunt certa apud omnes.

“ Si autem vir jam seminaverit, dubium fit, an fœmina lethaliter peccet, si se retrahat à seminando? aut peccet lethali vir non expectando seminationem uxoris?

“ *Prima sententia* affirmat, et hanc tenent *Aversa*, *Hurt.* et *Ochagav.* apud *Boss.* cap. 9. n. 51. et probabilem putat *Dian.* p. 5. tract. 14. r. 37. atque videntur cohærere *Tab.* et *Arm.* apud *Sanch.* lib. 9. d. 19. n. 5. dùm indistinctè dicunt esse mortale, si altero seminante conjux à seminatione se retrahat. Ratio, quia (ut ajunt) etiam semen mulieris activè concurrit ad generationem, prout censem ex medicis *Hippocrates*, *Galenus*, *Valesius*, et *Petrus Matha* apud *Sanch.* l. 2. d. 21. n. 11. et ex theologis *Suar.* t. 2. in 3. p. d. 10. sect. 1. v. Secundò infertur, ubi ait: *Semen maternum simpliciter necessarium est ad concipiendum filium.* Item *D. Bonav.* et *Major* apud *Boss.*

d. n. 60. ac Caj. Abul. et plures alii ap. Sanch. l. c. et ipsi Sanch. et Boss. hanc opinionem satis probabilem putant; saltem (ait Boss.) semen mulieris juxta omnes valde confert prolis perfectioni, cùm ad hoc saltem fuerit à natura institutum.

“ *Secunda sententia* verò communior negat, et hanc tenent Sanch. l. 9. d. 19. n. 9. Pont. l. 10. c. 11. n. 2. Bon. p. 6. n. 14. et Salm. ibid. n. 80. cum Caj. Henr. Dic. Veracr. etc. Hi contrario nituntur fundamento, nempe quòd semen mulieris non sit necessarium ad generationem, ut asserunt Aristoteles, Avicenna, Galenus sibi contrarius, ac Hugo Senensis et Alb. M. apud Sanch. l. 9. d. 17. n. 9. qui ait hanc esse sententiam communem theologorum, exceptis Scotistis. Nec obstare dicunt AA. hujus secundæ sententiæ, quòd semen fœminæ conferat perfectioni prolis; nam respondent, quòd non teneantur conjuges ad convenientiorem modum generandi, sed satis est si generationi non obstant. Quamvis autem dicant præfati AA. non tenèri virum expectare seminationem mulieris, si ipse jam seminaverit: concedunt tamen ei posse continuare copulam, usque dum seminet fœmina, quia hoc pertinet ad complementum copulæ uxoris, ut censem Pont. et Dian. ll. cc. Bon. n. 14. cum Caj. et Sanch. d. 17. n. 11. cum Tab. et Graff. contra Henr. (ap. Bon. l. c.) qui sentit virum non tenèri expectare seminationem fœminæ, quia periculum est, ut hoc pacto impediatur generatio, quod non videtur satis probabile, nec cohærens; nam si adesset tale periculum, non debuisse dicere non tenèri, sed non posse, quod nemo asserit, nemo enim hoc periculum supponit.

“ Sed redeundo ad primam quæstionem, esto secunda sententia sit quidem communior, et probabilior, ut videtur, censeo tamen cum Boss. l. c. n. 52. primam sententiam esse satis probabilem, et ideo in praxi tenendam. Ratio, quia non licet sequi opinionem probabilem cum damno tertii; cùm autem hic agatur de damno prolis sive generationis adversùs naturam, quæ jus habet, ut non impediatur generatio, cùm ad hoc instituerit actum conjugalem, propterea ubi est periculum impediendi generationem, non licet uti opinione probabili; ubi enim (ut diximus l. 1. n. 42.) agitur non de honestate actionis, sed de veritate rei, illicitum est sequi (ut omnes fatentur) opinionem probabilem pro libertate, adversùs aliam stantem pro lege. Hinc neque practicè probabile puto id quod dicunt Sanch. n. 5. et Spor. n. 491. cum Perez, Escob. Dic. et Gob.

nimirūm posse mulierem iu actu coitūs animum ad alia divertere, ne concitetur ad seminationem.

“ 919.—An autem, si vir se retrahat post seminationem, sed ante seminationem mulieris, possit ipsa statim tactibus se excitare, ut seminet? Negant Auctor *Addit. ad Wigandt tr. 16. post n. 106. ac Dian. et Rodr. apud Boss. l. 9. n. 54.* adhæretque *Pal. p. 4. 4. §. 3. n. 6.* (dicens id non esse licitum, si mulier posset se continere). Ratio, quia semen mulieris non est necessarium ad generationem; item quia effusio illa mulieris, utpote separata, non fit una caro cum viro. Communiū verò affirmant *Wigandt tr. 16. n. 103. v. Solve. Less. l. 4. c. 3. n. 94. Bon. q. 4. p. 6. num. 15. in fin. cum Sanch. l. 9. d. 17. n. 10. Pot. t. 1. c. 4. n. 4310. Tamb. Dec. l. 1. c. 3. §. 5. n. 18. Salm. c. 15. n. 80. in fin. cum Dic. Fill. tr. 10. n. 330. Spor. n. 491. Boss. cap. 9. n. 55. cum Aversa, Perez, Fag. et Leand. ac Elbel p. 479. n. 425. cum Cleric. Homob. Dian. Gob. et Bosco, et non reprobant *Conc. p. 406. n. 11.* Ratio, tūm quia seminatio mulieres pertinet ad complendum actum conjugalem, qui consistit in seminatione utriusque conjugis; unde sicut potest uxor tactibus se præparare ad copulam, ita etiam potest actum copulæ perficere: tūm quia, si mulieres post talem irritationem tenerentur naturam compescere, essent ipsae jugiter magno periculo expositæ mortaliter peccandi, cùm frequentiū viri, quia calidores, priùs seminent (sed hæc ratio non suadet, nam si hoc permitteretur uxoribus, deberet permetti etiam viris, casu quo mulier post suam seminationem se retraheret, et vir maneret irritatus; at DD. communiter dicunt id vetitum esse viris, ut *Sanch. n. 10. Wigandt et Bon. l. c.*); tūm quia, ut plures sentiunt, seminatio mulieris est necessaria, vel saltem multum confert ad generationem, nihil enim à natura frustraneum agitur. Omnes autem concedunt uxoribus, quæ frigidioris sunt naturæ, posse tactibus se excitare ante copulam, ut seminent in congressu maritali statim habendo. *Vide Conc. n. 13.**

“ 920.—‘VII. Si in loco indebito, v. g. Sacro, qui inde violetur, vel in loco publico,’ (*Vide dicta de hoc puncto l. 4. n. 458. ubi diximus cum Nov. Vasq. Tol. Azor, Con. Pont. etc. quod licet probabile sit per copulam conjugalem occultam in Ecclesia non committi sacrilegium, neque Ecclesiam pollui, probabilius tamen est oppositum, nisi adsit necessitas, cum Suar. Sanch. Less. Bonac. Holzm. Croix, Salm. etc.* Etsi eo

casu non tenentur clerici ibi abstinere à divinis officiis celebrandis, nisi concubitus ille habitus publicetur, ut dicunt iidem AA. et probatur in hoc l. 6. n. 364. quia Ecclesia non censetur polluta quoad celebrationem officiorum, nisi crimen sit notorium notorietate facti).

“921.—‘VIII. Si absque urgente causa fiat tempore indebito, 1. in magna solemnitate, ut Paschæ, vel pridie communionis. *Vide Per. d. 49. s. 3.* 2. Quando uxor est gravida, saltem si sit periculum abortûs. *Nav. Sylv. Sanch. Conc. Fill. n. 337.* Hoc enim si non sit, non erit saltem mortale: quòd enim tunc fine suo frustretur semen, non sequitur per se ex actu. Unde *Dian. p. 3. tr. 1. r. 204. et Con. d. 34. dub. 9.* nullum peccatum agnoscent. 3. Quando uxor laborat fluxu menstruo. Quod tamen non esse mortale, contra *Azor* docet *Sanch. l. 9. d. 21. n. 2.* Imò aliqui apud *Dian. l. c. ut Pont. l. 10. c. 11. et c. 14. num. 5. et 6.* docent, nec veniale esse, si periculum urgent, quod *Sanch. l. c.* docet esse probabile; additque *M. Perez*, si ob finem honestum fiat, nullum esse; et tenèri reddere debitum uxorem, si maritus exigat. *Vide dist. 49. s. 3.*

“922.—Quær. I. An liceat conjugi coire die communionis? *Vide quæ fusiùs diximus hoc l. 6. n. 273. et 274.* ubi tenuimus esse veniale accedere ad Eucharistiam die copulæ habitæ ob voluptatem, nisi excuset aliqua rationabilis causâ. Si verò copula est habita causâ procreandæ prolis, vel etiam incontinentiæ vitandæ, tunc est solùm consilii à S. communione abstinere, ex c. *Si vir 7. caus. 33. q. 7.* Et sic pariter est consilii abstinere die quo conjux reddidit debitum: à quo autem reddendo ordinariè loquendo propter communionem non potest eximi; nam aliquando potest honestis precibus resistere. Quid autem debeat confessarius respondere conjugi interroganti, an teneatur reddere die communionis? *Vide d. n. 274. v. Quid.* Post verò communionem sumptam nullum est peccatum reddere. An autem petere? Alii dicunt esse veniale; alii nullum; *vide ibid. v. Die autem.*

“923.—Quær. II. An in diebus festivis, vel jejunii, aut Rogationum sit illicitus actus conjugalis? Commune est non esse vetitum tunc debitum reddere cum *D. Th. Suppl. q. 64. art. 7.* ubi dicit: *Cùm mulier habeat potestatem in corpore viri, et è converso, tenetur unus alteri debitum reddere quocumque tempore, et quacumque horâ.* An autem sit vetitum petere?

“ Prima sententia affirmat, et hanc tenent D. Th. l. c. a. 1. S. Anton. 3. p. tit. 1. c. 20. §. 11. Conc. t. 10. p. 395. n. 10. item Mag. Sent. Alb. M. Palud. Gers. Sylv. Tab. etc. ap. Sanch. l. 9. d. 12. num. 3. Hoc tamen sub culpa veniali, ut ait D. Th. cum aliis: non verò sub mortali, ut aliqui improbabiliter tenent apud Sanch., quia tempus sacrum non est circumstantia (ratio S. D.) trahens in aliam speciem peccati, unde non potest in infinitum aggravare. Rationem autem, cur sit veniale, assignat idem Angelicus dicens: Actus matrimonialis, quamvis culpá careat: tamen, quia rationem deprimit propter carnalem delectationem, hominem reddit ineptum ad spiritualia. Et ideo in diebus in quibus præcipue spiritualibus est vacandum, non licet petere debitum.

“ Secunda sententia verò communior negat esse illicitum, et hanc tenent Sanch. l. 9. d. 12. n. 5. cum S. Bon. Scoto, Caj. Arm. Soto, Ang. Valent. etc. item Pont. l. 10. c. 9. per totum. Pal. p. 4. §. 4. n. 5. Bon. q. 4. p. 6. n. 28. Salm. de matr. c. 15. p. 5. n. 58. cum Henr. Dic. Con. Aversa, Led. etc. ac Boss. c. 7. n. 84. cum Azor, Reg. Fill. Perez, etc. etc. Ratio, quia id non habetur vetitum ullo jure, non divino, quia in festis sola opera servilia prohibentur; non ecclesiastico, quia diebus festivis et jejunii, non obstante congressu maritali, benè possunt conjuges servare ea quæ sunt de præcepto. Quòd si canones et SS. Patres videantur iis diebus expressè prohibere usum conjugii, dicunt præfati AA. id intelligi de consilio, non de præcepto, ut multis nititur probare Sanch. cum Gloss. in canones, et aliis interpretibus.

“ 924.—Quær. III. An liceat coire conjugibus tempore prægnationis? Commune est id non esse mortale, nisi adsit periculum abortus; ita omnes cum Sanch. l. 9. d. 22. n. 3. Pont. l. 10. c. 14. n. 7. Pal. p. 4. §. 4. n. 12. Salm. de matr. c. 1. p. 6. n. 78. Ronc. p. 184. q. 3. r. 2. et Boss. c. 9. n. 33. ex D. Augustino de bono conjug. c. 6. ubi: Conjugalis enim concubitus generandi gratiâ non habet culpam: concupiscentiæ verò satiandæ, sed tamen cum conjuge propter fidem tori, venialem habet culpam. Idem docet D. Ambrosius in Luc. c. 1. ibi: At verò homines nec conceptis ipsis, nec Deo parent, illos contaminant, hunc exasperant. Nota tò contaminant; ergò supponit S. Doctor periculum abortus. Item D. Hieron. in can. Origo, caus. 52. quæst. 4. Postquam venter intumuerit, non perdant filios. Item D. Th. in 4. dist. 81. in fin. in expos. litt. ibi: Ideo Hieronymus vituperat accessum viri ad

uxorem imprægnatam, non tamen ita quòd semper sit peccatum mortale, nisi fortè quando probabiliter timetur de periculo abortus.

“Censem autem *Sylvest. Ang. et Tab. apud Sanch. loc. cit. num. 1.* adesse periculum abortus, si copula habeatur circa initium conceptionis, quia ex novo coitu materia illa nondum plenè formata, facilè dispergitur : nam licet matrix post conceptionem statim claudatur, tamen (ut ait *Avicenna*) ex vehe-menti delectatione coitus irritata, aliquando aperitur, et materia effunditur. Hoc tamen non obstante, dicunt *Pontius dict. num. 7. Pal. num. 11. Sanchez dict. num. 1. cum Ang. et Sylvest. (contra Tabien.) ac Boss. num. 18. cum Fill. Hurt. Perez, et Raynaud.*, quòd coire cum tali periculo non repu-tetur mortale, quia (ut ajunt *Sanch. et Bossius*) cùm materia non sit adhuc formata, et conjuges dent operam rei licitæ, utendo jure suo, modò abortum non intendant, damnum illud non est tantum, ut lethalem constituat culpam. Sed hæc ratio mihi non probatur, quia cùm per copulam noceatur vitæ, vel formationi prolis, conjux tunc non habet jus ad copulam. Potiùs videtur dicendum non adesse tale periculum, quia (ut dicunt idem *Sanch. n. 7. Pal. d. n. 11. Boss. d. n. 18. Holzm. p. 463. cum Illsung. et Bon. q. 6. part. 6. n. 12. cum Con. et Reg.*) communiter non adest tale periculum, dum matrix recepto semine arctissimè constringitur, nec ordi-nariè reseratur per coitum, ut tradunt ipse *Avicenna* et *Val-verdus apud Boss. l. c.* cùm conjuges indiscriminatim acce-dant, et tamen abortus non succedunt ; unde ait *Boss.* quòd usquedum non constet experientia, aliquam uxorem ex coitu pluries fœtum emisisse, non est præsumendum periculum abortus. Tantò minus autem aderit tale periculum, si habeatur copula tempore proximo partui, ut perperàm aliqui dixerunt, putantes tunc exponi prolem discrimini suffoca-tionis ; nam verius (ut ait *Boss. n. 30. cum Raynaudo*) fœtus humanus ita secundinis involvitur, ut eum non possit semen contingere. Hinc ait *Petr. t. 4. p. 447.* periculum abortus non ita facilè præsumendum ; et ideo non esse vexandos con-juges importunis interrogationibus, ut abstineant tempore præg-nationis : *Quæ enim (ait) spes eos à concubitu avocandi ? et quale non timendum periculum, si à sua bona fide perturbentur?*

“Utrum autem, secluso periculo abortus, sit culpa venialis habere coitum cum prægnante ? Affirmant *D. Ant. 3. p. tit. 1. c. 20. §. 4.* item *Sotus, Palud. Alens. Palac. ap. Sanch.*

d. d. 22. n. 4. quia stante fœtu concepto, frustratur semen suo fine generationis. Idque confirmant ex auctoritate plurium SS. Patrum. Negant verò *Sanch. l. c. num. 6. cum Gabr. et Henr. Bon. p. 6. num. 11. cum Fill. Pal. p. 4. §. 4. num. 12. Ronc. p. 154. quæst. 3. r. 2. Holzm. num. 463. Elbel num. 390. et Salm. de matr. c. 15. p. 6. n. 78. cum Dic. Aversa, et Diana,* tūm quia nullibi habetur id per se esse vetitum ; tūm quia esset onus gravissimum, et res exposita innumeris periculis peccandi venialiter, si conjuges tenerentur tamdiu abstinerē ab usu conjugii, manendo in eodem toro. Respondent autem ad rationem oppositam, quòd ut coitus sit licitus in matrimonio, sufficiat, ut per se actus sit ad generationem idoneus ; quòd autem ipsa non eveniat, par accidens se habet. Cæterū mihi arridet sententia, quam tenent *Pont. l. 10. c. 14. n. 7. Azor. t. 3. c. 31. quæst. 14. Boss. c. 9. uum. 36. cum Guil. Paris. Perez, Con. Barbos. Fill. Hurt. Avers. etc.* et huic se adnectunt etiam *Pal. et Ronc. ll. cc.* nempe quòd coitus cum prægnante non possit excusari à culpa veniali, nisi adsit periculum incontinentiæ, vel alia honesta causa, juxta dicta *num. 882. dub. 1. etc.*

“925.—Quær. IV. An licitum sit conjugibus coire tempore menstrui : Hic prænotandum, quòd fluxus mulieris aliis sit naturalis et ordinarius, et iste propriè dicitur menstruus, quia communiter singulis mensibus solet in fœminis accidere, et durat ut plurimū per duos vel tres dies. Alius extraordinarius proveniens ex aliquo morbo diurno, qui aliquando durat usque ad 12 dies et ultrà. Tempore fluxus extraordinarii certum est licere tam reddere quàm petere : ita communiter *Sanch. l. 9. d. 21. num. 1. Pont. l. 10. c. 14. n. 5. Holzm. n. 462. Salm. de matr. c. 15. p. 6. n. 76. et Boss. c. 9. num. 13. cum Azor, Reb. Fill. Hurt. etc. ex D. Th. in. 4. d. 32. quæst. un. art. 2.* ubi expressè hoc docet, et rationem adducit, dicens : *In fluxu menstruorum innaturali non est prohibitum ad menstruatam accedere in lege nova, tum propter infirmitatem, quia mulier in tali statu concipere non potest; tum quia talis fluxus est perpetuus et diurnus, unde operetur, quod vir perpetuo abstineret.* Tempore autem fluxus naturalis adsunt tres sententiae.

Prima sententia damnat coitum de mortali, et hanc tenet idem *D. Th. l. c. q. 3. ad. 1.* ubi dicit tempore hujus menstrui peccare mortaliter tam virum voluntariè potentem, quàm uxorem voluntariè redditem; excipit si mulier quasi coacta

debitum redderet. Eamdem sententiam tuentur *S. Bon. Alens. Scotus, Tab. Palac. etc. ap. Bos. c. 9. n. 16.* Probatur 1. ex *Levit. c. 20. v. 18.* ubi dicitur : *Qui coërit cum muliere in fluxu menstruo : et revelaverit turpitudinem ejus, ipsaque aperuerit fontem sanguinis sui, interficientur ambo.* Objiciunt huic *Sanch. l. c. num. 2. et Boss. num. 16.* quòd lex illa fuit cærimonialis, et ideo non obligat in lege evangelica. Sed respondent *D. Th. dict. quæst. 2.* quòd licet illud præceptum fuerit cærimoniale quoad immunditiam, fuit tamen morale quantum ad *nocumentum* (verba S. D.) *quod in prole ex hujusmodi commixtione frequenter sequebatur.* Probat. 2. ex *can. fin. dist. 5.* ubi *Gregorius Papa : Cum et sine partus causa, cum (uxores) in consuetis menstruis detinentur, viris suis misceri prohibeantur.* Probatur 3. ratione, tūm quia proles eo tempore nascitura exponitur periculo nascendi leprosa, et monstruosa ; tūm quia adest periculum semen frustrè effundendi, cùm rarò vel nunquam eo tempore mater sit apta conceptioni.

“ Secunda sententia totaliter opposita dicit accessum ad menstruatam omni culpâ carere ; hanc tenent Glossa in can. Si Caus. v. Conceptus. 33. q. 14. ; item Perez, Fill. et Hurt. ap. Boss. n. 20. eamque *Sanch. l. 9. d. 21. n. 7.* putat æquè probabilem ac tertiam, quam mox referemus. Ratio, quia hodie id nullo jure prohibetur ; non divino, cùm lex Levitici, adveniente lege novâ, jam cessaverit. Nec obstare dicunt, quòd prohibitio illa non cessavit, quatenus fuit moralis propter vitandum damnum prolis, nam respondent, quòd testetur *S. Hier. in c. 18. Ezech.*, rationem prohibitionis in Levitico fuisse, quia illo tempore, ob sanguinem foemineum infectum ex coitu fœtus leprosi, et elephantiaci nascebantur ; sed hodie incertum est adesse tale damnum, et multò certius est mulierem tempore menstrui non concipere, ut dicunt *Sanch. Pal. Boss. et Salm. ll. cc.*, ac demùm, etiamsi concipiatur cum aliquo danno prolis, dicunt *Sanc. l. 9. d. 21. n. 7. et Boss. c. 9. n. 22.* id non obstare, quia melius est prolem sic nasci, quam non nasci ; fortè enim postmodùm non gigneretur, vel non esset eadem proles, unde proles beneficium recipit, non damnum ; nec valet dicere, quòd si non proli, saltem sic infertur damnum naturæ, quæ postulat, ut proles modo convenientiori generetur : nam respondent, quòd si non infertur damnum proli, neque infertur naturæ. Non prohibetur igitur jure divino ; non jure ecclesiastico, nam ad textum *Gregorii*

respondet *Pontius l. 10. c. 14. n. 6.* prohibitionem illam ecclesiasticam hodie exolevisse; imò verbum illud Pontificis, *prohibeantur*, explicatur ab aliis, ut dicit ibi Glossa: *prohibeantur, id est sub forma prohibitionis dissuadeantur*. Nec jure naturali, quia licet sit facile periculum eo tempore frustrandi semen, tamen ad coitum cohonestandum non requiritur, ut ex eo sequatur generatio, sed sufficit quod coitus ille per se sit aptus generationi, esto per accidens semen dispergatur, ut accidit in accessu ad mulierem prægnantem, aut sterilem. Neque (ajunt) in tali coitu adest indecentia culpabilis, nam (ut dicit *Perez*) illa est potius materialis. Hinc concludunt nullo modo peccare conjuges, si eo tempore coëant, non jam ex affectu libidinis (quod non posset excusari à veniali), sed ut utantur jure suo cum moderata delectatione.

“ *Tertia sententia* demùm communissima et probabilior dicit, coitum tempore menstrui non esse mortale, sed non excusari à veniali; ita *S. Antonin. 3. part. tit. 1. c. 20. §. 3. Nav. c. 16. n. 32. Conc. p. 398. n. 20. Pont. l. 10. c. 14. n. 6. Pal. p. 4. §. 4. n. 8. Ronc. p. 184. qu. 3. r. 3. Holzm. n. 462. Bonac. p. 6. n. 9. cum Henr. Led. et Rodr. Salmant. de matr. c. 15. p. 6. num. 76. cum Aversa, Vivald. Cornejo, et Soto, Boss. c. 9. n. 22. cum Sa, Con. Pal. Reg. Vill. Vega, Graff. etc. ac Sanch. dict. d. 21. num. 5. cum Cajet. Abul. Arm. Vict. et Lopez.* Quod non sit mortale, probat ratio adducta mox suprà pro secunda sententia. Quod autem sit veniale probatur, quia talis concubitus, nolendo conjuges expectare tempus generationi aptius, et jam brevi adventurum, involvit quamdam turpitudinem, et deordinationem; cum fœmina tunc sit inepta commodæ receptioni et retentioni seminis, et ideò coitus tunc minus convenit fini generationis. Conveniunt autem *Nav. Pal. Sanch. Salm. ll. cc. et Boss. n. 15. cum Hurt.* quod nullum sit peccatum coire tali tempore, si adsit aliqua causa turpitudinem, illam cohonestans, nempe ad vitanda dissidia, aut incontinentiam in se vel in altero, aut alia similia.

“ An autem casu quo nulla adsit causa, uxor menstruata possit, et teneatur debitum reddere, si maritus monitus nolit desistere? Affirmant *Pal. p. 4. §. 4. n. 9. cum Con. Salm. de matr. c. 15. p. 6. n. 77. et Sanch. d. 21. num. 96. cum Palud. Soto, Led. etc.* qui citat pro se etiam *D. Th. d. 32. art. 2. q. 3.* sed non bene, ut mox videbimus. Verum probabilius negandum cum *Pontio. c. 14. n. 5. et Bon. p. 6. n. 10.* qui citat *Sylv. Reb. et Henr.* Ratio, quia cum culpa, etiamsi venialis,

se teneat ex parte actūs, probabiliūs non tenetur conjux, neque potest licetē debitum reddere : *vide dicenda n. 946.* Nec contrarius est nostrae sententiae *D. Th.*, nam *l. c. in Resp. ad 3.* dicit tunc uxorem posse et tenēri ad reddendum, *quando majus periculum timeretur in non reddendo.* Sed hoc non supponitur in nostro casu.

“ 926.—Quær. V. An sit illicitum coire tempore purgationis post partum ? Certum est non tenēri conjuges hodie observare tempus purgationis præscriptum in *Lev. 12.* ubi, cùm mulier arcebatur ab ingressu templi per 40 dies in partu masculi, et 80 fœminæ, videtur eo tempore fuisse ei etiam interdictus conjugii usus. Sed hoc præceptum jam cessavit, et sicut hodie puerperæ non tenentur abstinere ab ingressu Ecclesiæ, ut dicitur in *c. un. de Purific. post part.*, ita nec à conjugii usu, ut communiter dicunt *Sanch. l. 9. d. 22. n. 8. Boss. c. 7. n. 130. et alii passim cum S. Anton. 3. p. t. 1. c. 20. §. 4. in fin.* qui tamen addit, hoc non obstante, benè posse mulierem abstinere ab Ecclesia, et omittere audire missam, ubi talis est consuetudo, toto eo tempore, vel saltem per sex hebdomas ; ut testantur esse communem usum *Sporer et Elbel*, *vide dicta l. 4. n. 330. v. Bene.* Circa autem quæsitus triplex adest sententia.

“ *Prima sententia* dicit esse mortale, et hanc tenent *Butrius*, et *Alexander de Nevo*, ap. *Sanch. l. c. d. 22. n. 9.* Ratio, tūm quia in *cit. c. fin. dist. 5. D. Gregorius* id expressè vetitum declaravit, dicens : *Nisi purgationis tempus prius transierit, viris suis non debent admisceri* ; tūm quia damnum infertur proli, si eo tempore concipiatur, ut ait *Galenus ap. Pontium l. 10. c. 14. num. 8.*

“ *Secunda sententia* dicit nullum esse peccatum, ita *Sanch. n. 11. cum Ang. Henr. Palac. Turrecr. Holzm. n. 464. ac Fill. Perez, Vill. et Hurt. ap. Boss. c. 9. n. 42.* Quia (ut ajunt) hujusmodi immunditia est tantū materialis, non moralis.

“ *Tertia sententia* probabilior et communior, quam tenent *S. Anton. l. c. cum Rich. et Pet. de Palud. Pont. d. n. 8. Pal. p. 4. §. 4. n. 16. Ronc. p. 184. q. 3. r. 3. Boss. n. 44. cum Azor, Ochag. et Led. item Sot. Palud. Tab. Lop. etc. ap. Sanch. n. 10.* dicit esse veniale, non autem per se mortale, Est veniale, quia talis coitus continet aliquam indecentiam ; unde nisi excuset causa honesta, nempe periculum incontinentiæ, vel dissidii, vel alia similis, nequit ab omni culpa excusari. Non autem est mortale per se loquendo, quia talis

indecentia non videtur tanta, ut mortalem culpam inducat. Ad prohibitionem verò *D. Greg.* respondet *Pontius* illam hodie exolevisse: at *D. Antonin.* cum *Guil.* respondet eam fuisse de congruitate, non de præcepto. Ad rationem autem nocimenti prolii respondetur, quòd tale damnum vel non accidet, cùm difficile cit eo tempore mulierem concipere; vel non erit grave. Dicitur autem *per se loquendo*, nam poterit aliquando esse mortale, si ex concubitu gravis morbus, vel notabilis aggravatio morbi imminaret, ut dicunt *S. Anton.* et *Sanch. n. 11. cum Palud. Sylvest. Ang. etc.* Hujusmodi periculum etiam prudenter timéri potest, ut ait *Ronc.*, si coitus habeatur statim post partum; nempe eodem die vel sequenti, ut medicus valde peritus mihi asseruit.

“ 927.—‘Ex dictis casibus consequenter resolvitur, licitum esse uti matrimonio I. Prolii causâ, etsi hæc non necessariò debeat intendi, dum exercetur, dummodò positivè non impe diatur. Imò etiam aliquando simplici affectu licitè excludatur, v. g. à paupere, ne nimium prolibus gravetur. II. ad vitandum periculum incontinentiae in se, vel comparte. *Mart. Perez d. 40. s. 2. ex Conin. Pont. Hurt. etc. contra Sanch.* qui vult esse veniale, nisi tamen stimuli carnis aliter sedari non possint.’ *Vide dicta n. 882. dub. 1. iidem enim fines, quos habere licet ad matrimonium contrahendum cohonestant etiam petitionem copulæ.*) ‘III. Valetudinis causâ, vel propter alios fines extrinsecos: quia honestum ex natura sua, et relatum ad unum finem, licitè refertur ad alium isti non repugnantem, ut docent *Sa, Conin. Laym. l. 5. t. 10. p. 3. c. 4. Mart. Perez. d. 49. sect. 2. n. 4. Vide Diana p. 2. t. 4. r. 218.* Solius tamen sanitatis causâ uti, probabile est esse veniale, ut docent *S. Th. Laym. l. c. contra Mart. Per. etc. ll. cc.*’ (*Vide n. 885. dub 2.*)

“ 928.—Ille queritur I. An aliquando vir teneatur petere? Per se loquendo non tenetur petere; tenetur verò per accidens, nimirum si uxor tacitè exigat; putà si ostendat aliquod indicium, quo tacitam petitionem significet; quia in mulieribus ob innatam etiam verecundiam talia signa habentur pro vera petitione, ita communiter *Sanch. l. 9. d. 2. n. 3. et alii universè ex D. Th. Suppl. 3. p. q. 44. art. 2. ubi: Quando vir percipit per aliqua signa, quòd uxor vellet sibi debitum reddi, sed propter verecundiam tacet . . . , tenetur reddere.* E converso rectè dicit *Sanch. n. 5. cum Soto. et Palac. ex eodem D. Th. in 4. d. 52. qu. un. art. 3. ad 2.*; non tenēri mulierem reddere viro, nisi hic expressè petat;

cùm enim non pudeat viros expressè exigere, benè possunt uxores præsumere, quòd viri expressè non petentes nolint ipsas obligare ad petendum; imò ego sentio nec posse, quia nequit maritus obstringere mulierem, ut cum tanta sua crubescientia debitum petat. Rectè tamen excipit *Sanch. l. c. cum S. Anton. Nav. Sylv. et Manuel*, nisi talis erubescientia potiùs præsumatur aliquando (quod cæterùm rarò accidit) esse ex parti viri, quàm fœminæ; putà si illa esset maximæ auctoritatis, aut feræ conditionis, et vir valde pusillanimis ac verecundus. Regulariter tamen (benè subdit *Sanchez*) non tenetur uxor reddere, nisi evidenter ei constet de hac pusillanimitate et pudore mariti.

“ 929.—Quær. II. An uxor teneatur aliquando petere debitum? Certùm est primò, ordinariè non tenèri uxorem ad petendum, quia hoc est mulieribus notabiliter inverecundum. Certum secundò, quòd cùm alter conjux sit in periculo incontinentiæ, tam vir quàm uxor teneatur petere, ab liberandum alterum à periculo; ita communiter *Pontius l. 10. c. 2. n. 3. Sanch. l. 9. d. 2. n. 9. cum Soto, Adr. etc. ac Boss. c. 1. n. 17. cum Fill. Henr. etc.* Sed dubium fit, an teneatur uxor tunc petere ex charitate, vel ex justitia?

“ *Prima sententia*, quam tenent *Pontius l. c. et Boss. n. 21. cum Led. Henr. Dian. et P. Soto*, dicit tenèri ex justitia. Ratio, quia, cùm teneantur conjuges servare bonum fidei, quando alter est in periculo incontinentiæ; tunc esto non petat alter, ipsa tamen necessitas petit, ut bonum fidei servetur vitando alterius incontinentiam; ideòque tunc potiùs est redditio, quàm petitio debiti. Confirmatur exemplo, si enim medicus teneatur ex contractu medêri aegroto, tenetur ex justitia exhibere ei medicinam, quamvis ille non petat. Et huic sententiae videtur adhærere *D. Thom. Suppl. q. 49. ar. 5. ad 2. ubi dicit: Si quis per actum matrimonii intendat vitare fornicationem in conjuge, non est aliquid peccatum, quia hæc est quædam redditio debiti, quæ ad bonum fidei pertinet.*

“ *Secunda sententia* verò, quæ videtur probabilior, et quam tenet *Sanch. dict. d. 2. n. 7. cum Palud. et Durando, ac Conin. ap. Boss. n. 22.*, dicit tenèri tantùm ex charitate. Ratio, quia ubi nulla est petitio alterius conjugis expressa vel tacita, nulla adest obligatio justitiae ad reddendum. Ad bonum autem fidei matrimonii spectat quidem, ut conjux non adulteretur, non verò ut avertat alterum ab adulterio; licet enim hoc etiam quodammodo pertineat ad bonum fidei, non tamen ita perti-

net, ut strictè obliget ex justitia ad petendum; ideò à *D. Th.* hujusmodi petitio non dicitur absolutè redditio, sed *quædam redditio debiti*; et hoc adducit S. Doctor tantùm ad excusandum petentem, si petat ad vitandam incontinentiam in altero, non verò ad obligandum ut petat. Nec obstat exemplum medici: medicus enim tenetur utique præbère medicinam infirmo non petenti, quia ex contractu se obligavit ad cum eurandum; conjux autem se obligavit ad non frangendam fidem, non verò ad impediendum alterum, quominus fidem frangat. Ex hac sententia infertur, quòd conjux, cùm non teneatur ex justitia, sed tantùm ex charitate eo casu ad petendum, non teneatur petere cum magno incommodo; hinc probabiliter tunc excusat uxor à petendo, si in hoc magnam verecundiam subire deberet.

“930.—Quær. III. An conjux prohibitus à petendo ratione voti, vel affinitatis aut cognationis spiritualis post matrimonium contractæ, possit quandoque licetè exigere debitum? Id admittunt communiter DD. cum *Sanch. lib. 9. d. 7. n. 5.* (qui citat *Jo. Andr. Præpos. Adrian. Vict. etc.*) si adsit periculum incontinentiae in altero conjuge: imò dicunt *Boss. cap. 1. num. 261.* et idem *Sanch. n. 11. cum Pet. Sot. Henr. Palac. Angles,* tunc tenèri petere, quia hæc obligatio oritur ex ipsa institutione matrimonii. Item admittunt etiam communiter *S. Th. in 4. d. 38. qu. 1. a. 3. Boss. c. 1. n. 261.* et *Sanch. d. 8. n. 1. cum Sa, Sylv. Ang. Turrecr. Henr. Led. etc.* posse conjugem impeditum petere, si alter interpretativè exigat, nempe quando *mulier* (ut ait *D. Thom.*) *verecuuda est, et vir sentit ejus voluntatem de debiti redditione.* Tunc enim potest conjux impeditus se offerre, quia tunc potius est reddere, quam petere. Quoties autem liceat ei se offerre? *Led. apud Sanch.* dicit hoc licere quater in mense; sed melius *Boss. n. 260.* et idem *Sanch. cum Victoria,* dicunt id ex circumstantiis esse pensandum, nempe ex majori vel minori propensione alterius ad venerem. Censent autem idem *Boss. n. 263.* et *Sanch. n. 2. cum Ang.* non licere marito voto impedito se ad coïtum offerre, quando uxor ei concessit licentiam vovendi castitatem, quia tunc censetur ipsa cessisse juri suo, nempe quòd vir in ejus gratiam debitum petat; nisi (excipliunt *Sanch.*, et *Bossius, contra Coninch. et Pal.*) uxor esset in periculo incontinentiae, quo casu dicunt, quòd vovens teneatur petere ex obligatione orta, ut suprà dictum est, ex ipsa institutione matrimonii.

“ An autem liceat petere conjugi impedito, si ipse sit in periculo incontinentiae ? Affirmant *Viguerius*, et *Quint. ap. Boss.* n. 262, maximè si ille esset impeditus ratione affinitatis, vel cognationis spiritualis, et commodè non posset haberi dispensatio, essetque periculum in mora, quia lex ecclesiastica in tanto discriminé non obligat. Negant verò *Sanch. n. 7. cum Guttier. et Cov. Boss. n. 262. cum Coninc. etc.*, quia periculum incontinentiae quidem est justa causa dispensandi, non autem coëundi. Sed prima sententia respectu ad impedimentum ab Ecclesia impositum, mihi non videtur improbabilis, si reverà dispensatio brevi obtinéri nequeat, et magnum periculum sit in mora ; idque magis firmatur ex quæst. seq.

“ 931.—Quær. IV. An liceat conjugi excommunicato petere debitum, et an petere ab excommunicato ? Quòd liceat conjugi petere ab excommunicato, certum est ex c. *Quoniam multos, caus. 11. q. 3.* ubi *D. Gregorius VII.* expressè id concedit. An autem liceat excommunicato etiam petere ? Negat *Gloss. in c. cit. v. Uxores* ; et apertè videntur consentire *Archid. Sylv. Lop. et Tab. apud Sanch. l. 9. d. 14. n. 19.*, quia in bulla *Martini V. Ad evitanda*, excommunicatis, quoad communicationem cum fidelibus, nullum privilegium conceditur. Sed communiter et verius affirmant *Suar. de censur. d. 15. sess. 4. n. 9. Bon. eod. tit. 2. d. 2. p. 6. § 2. n. 20. Sanch. n. 20. cum Henriq. et Ugol. ac Boss. c. 1. n. 282. cum Palud. Sayr. Con Avila, Fill. Bordon. etc.* Ratio, quia lex ecclesiastica non obligat cum tanto periculo, in quo esset quidem excommunicatus, si ipse non posset separari ab altero conjugje (ut reverà non potest), et non posset petere.

“ 932.—‘ Quæres, an, et quando liceant tactus, aspectus, et verba turpia inter conjuges ?

“ ‘ Resp. Tales actus per se iis licent, quia cui licitus est finis, etiam licent media, et cui licet consummatio, etiam licet inchoatio. Unde licet talibus naturam excitant ad copulam. Quòd si verò separatim, et sine ordine ad copulam, verbi gratiâ, voluptatis causâ tantùm fiant, sunt venialia peccata, eò quòd ratione statûs, qui illos actus cohonestat, habeant jus ad illos : nisi tamen, ut sæpè contingit, sint conjuncti cum periculo pollutionis, aut conjuges habeant votum castitatis, tunc enim sunt mortalia, ut dictum suprà l. 4. t. 4. c. 2. d. 4. *Dian. p. 3. t. 4. r. 204. et 216.*

Unde resolves :

“ ‘ 1. Conjux venialiter tantùm peccat 1. Tangendo seipsum

ex voluptate, et tactum non ita expressè referendo ad copulam, ut contra *Vasq. et alios* probabilititer docet *Sanch. lib. 9. dub. 44.* 2. Oblectando se venereè, sine periculo pollutionis de actu conjugali cogitato, dum abest compars, vel actus exerceri non potest. *Fill. Laym. Tann. Malder. cum Dian. p. 3. t. 4. res. 224. contra Navar. Azor, etc.*

“ 2. Peccat graviter, 1. Vidua, quæ se venereè oblectat de copula olim habita; quia est illi illicita per statum. 2. Bigamus, qui in actu conjugali, cum secunda excercito, representat sibi priorem, et de ea carnaliter delectatur, quia est permixtio cum aliena. *Laym. l. 1. t. 9. c. 6. vide suprà l. 4. t. 4. c. 2. et l. 2. c. 1. d. 2. a. 2.* (Et idem diximus l. 2. n. 24. de sponsis, quibus illicitum est delectari de futura, etiam ex appetitu rationali, etsi non carnali.)

“ 933.—Qu. I. An sint mortales tactus et aspectus turpes inter conjuges propter solam voluptatem, sine ordine ad copulam, si non adsit periculum pollutionis? Affirmant *S. Antonin. Sylv. Margar. etc. ap. Sanch. l. 9. d. 44. n. 11.* quia (ut dicunt) omnis actus venereus, non relatus ad copulam conjugalem, est mortal is. Negat verò sententia communis et verior eamque tenent *Laym. l. 3. s. 4. n. 12. Pal. p. 4. § 2. Less. l. 4. c. 3. n. 125. Bonac. q. 4. p. 8. n. 12. Sporer n. 502. Sanch. dict. d. 44. n. 12. cum Abul. Vict. Ang. Arm. Sa. Med. Led. etc. Salm. de matr. c. 15. p. 6. n. 84. cum Henr. Aversa, Perez, et Diana, Boss. c. 7. n. 157. cum Vasq. Fagn. Vill. et Hurt. ac Croix n. 341. cum Soto, Tol. Cajet. Con. Fill. et pluribus aliis.* Ratio, quia status conjugalis sicut honestat copulam, ita etiam hujusmodi tactus et aspectus; alias enim, cum sit tanta inter conjuges societas, et ipsi multoties non possint coire, jugibus periculis essent expositi, si talet actus essent eis graviter illiciti. Sicut autem delectatio quæsita in copula culpam veniale non excedit, ita etiam in his tactibus et aspectibus. Et hoc etiamsi copula tunc ipsis esset vetita ob morbum, vel esset impossibilis ob impotentiam quæ supervenisset, ut dicunt *Sanch. n. 20. et 22. Croix n. 339. et Boss. 199. cum Con. Fag. Aversa, Fill. Vill. etc.* quia, cum copula sit licita inter conjuges, tactus inter ipsos non possunt esse graviter illiciti. Secùs verò dicendum, si conjux esset ligatus voto castitatis, quia tale votum excludit omnem voluptatem venereum voluntariè captam; ita communiter *Sanch. d. 44. n. 26. et Boss. c. 7. n. 201. cum Vasq. Fill. Con. et aliis.* An autem idem procedat, si conjux sit impeditus à copula

ob affinitatem vel cognationem spiritualem contractam? Affirmat *Aversa ap. Boss. n. 200*, quia cui vetita est copula, vetiti etiam sunt tactus qui sunt dispositiones ad copulam. Sed negat *Bossius ibi cum Fag. Fill et Perez*, quia lex prohibens copulam, cùm sit penalís, aut inhibitiva, non est extendenda ad tactus. Cæterum in praxi impeditus ordinariè se debet abstinere ab hujusmodi tactibus, præsertim turpibus, ob periculum proximum vel pollutionis, vel petitionis copulæ, contra prohibitionem petendo.

“934.—Quær. II. Quid, si conjuges ex his turpibus actibus prævideant pollutionem secuturam in se vel in altero. Plures adsunt sententiæ.

“*Prima sententia*, quam tenent *Sanch. l. 9. d. 45. n. 34. Fill. tr. 3 c. 9. n. 356. Viva quæst. 7. a. 4. n. 4. Escob. l. 26. n. 207. Elbel num. 393. cum Herincx et Spor. n. 500. cum Perez, et Gob.* id excusat ab omni culpa etiam in petente, si pollutio non intendatur, nec adsit periculum consensūs in eam, et modò tactus non sit adeò turpis et judicetur inchoata pollutio (prout esset digitum morosè admovere intra vas foemineum;) ac præterea adsit aliqua gravis causa talem tactum adhibendi, nempe ad se præparandum ad copulam, vel ad fovendum mutuum amorem. Ratio, quia tunc justa illa causa tales actus cohonestat, qui alioquin non sunt illiciti inter conjuges; et si pollutio obveniat, hoc erit per accidens. Dicitur *si adsit gravis causa*, nam si non adsit, prædicti actus non excusantur à mortali.

“*Secunda sententia*, quam tenent *Pal. p. 4. §. 2. n. 2. Boss. c. 7. n. 213. et Salm. de matr. c. 15. p. 6. n. 86. cum Soto, Cajet. Dec. Led. Hurt. Aversa, et communi*, ut asserit, distinguit et dicit esse mortalia tactus impudicos, si prævideatur pollutio ex eis provenienda; quia, cùm hi proximè influant ad pollutionem, et non sint per se instituti ad fovendum affectum conjugalem, censemur voluntarii in causa; secùs si sint pudici, ut oscula et amplexus, quia actus isti per se inter conjuges sunt liciti, cùm per se apti sint ad fovendum conjugalem amorem.

“*Tertia sententia*, quam tenet *Diana p. 6. tract. 7. r. 65. cum Præpos. et Vill.* dicit tactus tam impudicos quām pudicos esse mortalia, si prævideatur periculum pollutionis. Ratio, quia ideo tactus licent inter conjuges, in quantum quæruntur intra limites matrimonii, in quantum nihil sequitur repugnans fini et institutioni seminis; cùm autem prævidetur seminis

dispersio, licet non intendatur, qualescumque tactus sunt illiciti.

“ His sententiis positis, puto probabilius dicendum, quod actus turpes inter conjuges cum periculo pollutionis, tam in petente quam in reddente sint mortalia: nisi habeantur, ut conjuges se excitent ad copulam proxime secuturam, quia cum ipsi ad copulam jus habeant, habent etiam jus ad tales tactus, tametsi pollutio per accidens copulam præveniat. Tactus vero pudicos etiam censeo esse mortalia, si fiant cum periculo pollutionis in se vel in altero, casu quo habeantur ob solam voluptatem, vel etiam ob levem causam: secus si ob causam gravem, putam si aliquando adsit urgens causa ostendendi indicia affectus ad fovendum mutuum amorem, vel ut conjux avertat suspicionem ab altero, quod ipse sit erga aliam personam propensus. Probabiliter dicunt *Sanch. d. d. 35. n. 34. Boss. d. n. 203. et Escob. n. 207.* in reddente tactus etiam impudicos, nisi sint tales ut videantur inchoata pollutio, esse licitos, quamvis adsit periculum pollutionis in alterutro, quia tunc reddens dat operam rei, ad quam obligatur propter jus petentis, qui, tametsi peccet, non tamen jus amittit, cum culpa se teneat ex parte personæ juxta dicenda, n. 944.

“935.—An autem sit semper mortale, si vir immittat pudenda in os uxoris? Negant *Sanch. l. 9. d. 17. n. 5. et Boss. c. 7. n. 175. et 193. cum Fill. ac Perez,* modò absit periculum pollutionis. Sed verius affirmant *Spor. de matrim. n. 498. Tamb. l. 7. c. 3. §. 5. n. 33. et Diana p. 6. tr. 7. r. 7. cum Fagund.*, tum quia in hoc actu ob calorem oris adest proximum periculum pollutionis, tum quia haec per se videtur nova species luxuriæ contra naturam (dicta ab aliquibus *irrumpatio*); semper enim ac queritur à viro aliud vas, praeter vas naturale ad copulam institutum, videtur nova species luxuriæ. Excipit tamen *Sporer l. c. cum Fill. et March.* si id obiter fiat; et hoc revera sentire videtur etiam *Sanch.* dum excusat actum illum à mortali, si casset omne periculum pollutionis. Excipit etiam *Pal. p. 4. §. 2. n. 6.* si vir hoc faceret, ut se excitet ad copulam naturalem; sed ex praedictis neutrū admittendum puto. Eodem autem modo *Sanch. l. c. n. 32. in fin.* damnat virum de mortali, qui in actu copulae immitteret digitum in vas præpostorum uxoris, quia (ut ait) in hoc actu adest affectus ad sodomiam. Ego autem censeo posse quidem reperiri talem affectum in actu, sed per se loquendo

hunc affectum non agnosco in tali actu insitum. Cæterùm graviter semper increpandos dico conjuges hujusmodi fœdum actum exercentes.

“936.—Quær. III. An sint mortalia tactus turpes quos conjux habet cum seipso, altero absente, et secluso periculo pollutionis?

“*Prima sententia* negat, quam tenent *Pal. p. 4. §. 2. n. 5. Escob. n. 201. Boss. c. 7. n. 205. et 207. cum Perez, Hurt. Ochag. ap. Sanch. l. 9. d. 44. n. 15. cum Palud. et Lopez,* et pro hac sententia *Salm. de matr. c. 15. p. 6. n. 87.* citant etiam *D. Thom. quæst. 6. de bon. matr. dub. 26. num. 188. Ratio, quia hujusmodi tactus ab ipso statu conjugali cohonestantur, cùm de natura sua ordinentur ad copulam; et ideò, secluso periculo pollutionis, non possunt esse in conjugé graviter illiciti, etsi copulam de præsentí ipse non posset consummare.*

“*Secunda sententia* verò probabilior, et in praxi omninò suadenda, affirmat, et hanc tenent *Laym. tr. 3. c. 6. n. 12. in fine, Diana p. 3. t. 4. r. 215.* (quamvis hic Auctor sit valdè benignus) *Spor. n. 503. cum Arm. et Vasq. ac Salm. l. c. cum Avers. Sanctio, Salas, Montesin. Dic. et Ant. à Sp. S. Ratio, tūm quia conjux non habet jus per se in proprium corpus, sed tantūm per accidens, nempe tantūm, ut possit se disponere ad copulam; unde cùm copula tunc non sit possibilis, tactus cum seipso omninò ei sunt illiciti; tum quia tactus pudendorum, quando fiunt morosè, et cum commotione spirituum, per se tendunt ad pollutionem; suntque proximè connexi cum ejus periculo.*

“937.—Quær. IV. An sit mortalis delectatio morosa in conjugé de copula habita vel habenda, quæ tamen non possit habéri de præsenti? Adsunt tres sententiæ.

“*Prima sententia* affirmat, et hanc tenent *Pont. l. 10. c. 16. n. 11. Wigandt tr. 4. n. 59. Sylv. ac Vega, Rodr. et Dic. ap. Salm. ibid. n. 88.* qui probabilem vocant. *Ratio, quia talis delectatio est quasi inchoata pollutio, quæ, cùm eo tempore non possit habéri modo debito, omninò fit illicita.*

“*Secunda sententia* verò communior negat, eamque tenent *Bon. p. 4. quæst. 8. n. 12. Escob. n. 204. Spor. n. 505. Croix n. 337. cum Suar. et Gers. Boss. c. 1. n. 215. cum Fill. et Perez et Sanch. l. 9. d. 44. n. 3. cum S. Anton. Palud. Arm. Cajet. Met. Viguer. Tab. et communi,* ut asserit, utque fatetur etiam *Pontius, item Avers. Gabr. et Dian. apud*

Salm. ibid. n. 89. qui etiam probabilem putant. Hæc sententia dicit talem delectationem non esse mortalem, si absit periculum pollutionis, sed tantum veniale. Est venialis, quia ipsa caret debito fine, cum non possit ordinari ad copulam præsentem. Non autem est mortal is, quia delectatio sumit suam bonitatem vel malitiam ab objecto; et cum copula sit licita conjugatis, non potest esse eis graviter illicita illius delectatio. Et huic expressè favet id quod ait *D. Th. Malo quæst. 15. a. 2. ad 17.* ubi: *Sicut carnalis commixtio non est peccatum mortale conjugato, non potest esse gravius peccatum consensus in delectationem quam consensus in actum.* Idque admittit *Spor.* etiamsi habeatur delectatio venerea orta ex commotione spirituum.

“ *Tertia sententia* demum, quam tenent *Salm. de matr. c. 15. p. 6. n. 90.* distinguit et dicit, quod si delectatio sit absque commotione spirituum, non erit mortal is; secùs si cum commotione et titillatione partium.

“ Ego meum judicium proferam. Si delectatio habeatur non solùm cum commotione spirituum, sed etiam cum titillatione seu voluptate venerea, sentio cum *Conc. p. 403. n. 10.* (*contra Sporer ut supra*) eam non posse excusari à mortali, quia talis delectatio est proximè conjuncta cum periculo pollutionis. Secùs verò puto dicendum, si absit illa voluptuosa titillatio, quia tunc non est delectationi proximè annexum periculum pollutionis, etiamsi adsit commotio spirituum; et sic reverà sentit *Sanch. l. c. n. 4. cum Vasq.* cum ibi non excuset delectationem cum voluptate venerea, sed tantum (ut ait) cum commotione et alteratione partium absque pollutionis periculo. At quia talis commotio propinqua est illi titillationi voluptuosæ, ideo maximè hortandi sunt conjuges, ut abstineant ab hujusmodi delectatione morosa. Item advertendum eam esse omnino illicitam in conjugi, qui esset obstrictus voto castitatis, ut dicunt communiter *Sanch. d. d. 44. n. 26. et Boss. c. 7. n. 201. cum Vasq. Fill. et aliis.*

ARTICULUS II.

An actus conjugalis sit præceptus, et debitus.

- 938 Conjuges per se tenentur reddere, et quandoque etiam petere.
- 939 Tenentur etiam ad cohabitationem, nisi adsit justa causa excusans. Dub. 1. An possit vir expellere uxorem ob

dotem non solutam? Dub. 2. An teneatur eam alere non solutâ dote? Dub. 3. An si ipsa adulterium commiserit?

940 De obligatione reddendi debitum. Qu. I. An sit mortale negare debitum semel, vel bis? Quid, si alter remissem̄ petat, vel si precibus cedat? Quid, si immoderatē petat? Quid, si alter differat reddere ad breve tempus?

941 Qu. II. An multiplicitas filiorum possit esse causa justa negandi debitum?

942 Peccat conjux reddens se impotentem.

943 Qu. I. An conjux teneatur reddere alteri illicitē petenti?

944 Dub. 1. Quid, si culpa se tenet ex parte petentis, nempe si ille habeat votum castitatis, etc.?

945 Dub. 2. Quid, si petens sit incestuosus?

946 Qu. II. An conjux teneatur reddere petenti cum sola culpa veniali?

947 Qu. III. An liceat reddere vel petere à viro volente seminare extra vas post copulam incœptam?

948 An conjux teneatur et possit reddere, si mutuo cum altero voverit castitatem? Quid, si alter sit amens, vel ebrius?

949 Incestuosus, et vovens castitatem non potest petere, sed tenetur reddere.

950 Conjugx non tenetur reddere cum gravi damno suo, vel prolis. An teneatur reddere alteri laboranti morbo contagioso? Quid, si damnum sit leve, et alter sit leprosus? Quid, si damnum sit grave? An tunc possit reddere? Ex quibus causis possit conjugx reddere cum gravi periculo salutis?

951 An conjugx possit reddere cum periculo prolis?

952 An teneatur reddere uxor laborans febri, vel tempore menstrui, aut prægnationis, aut si alter petat modo innaturali?

953 Quid, si uxor experta sit in pariendo periculum mortis, vel filios parere mortuos?

954 An aliquando liceat impedire generationem? Quando peccet uxor surgens, aut mingens statim post copulam? Dub. 1. An puella oppressa possit statim expellere semen? Dub. 2. An liceat copulari senibus, vel infirmis, plerūmque non valentibus seminare intra vas.

“ 938.—^c Resp. I. Etsi conjuges nullâ lege obligentur ad usum matrimonii, tenentur tamen per se ex justitia sibi reddere debitum, si alter ab altero expressè, vel tacite, vere-

cundiâ scilicet obstante, petat. Ratio prioris est, quia non tenentur uti suo jure. Ratio posterioris sequitur ex natura contractus mutui. *S. Th. in 4. d. 32. q. 1. art. 2. etc. communiter ex 1. Cor. 7.*

Unde resolvetur:

“ 1. Neuter tenetur, per se loquendo, ad petendum debitum, etsi per accidens aliquando teneatur, vel ex charitate, v. g. ad avertendum periculum incontinentiae imminens conjugi. *Vide Perez d. 50. s. 2. n. 4. et 5.* (*Vide dicta n. 928. et 929.*) ‘ vel ex justitiâ legali, eò quòd salus publica pericitetur, nisi proles nascatur.’

“ 939.—‘ 2. Conjuges tenentur ad cohabitationem, nec potest alter ab altero invito diutius abesse sine necessitate; quia hæc obligatio sequitur ex obligatione reddendi debitum. *Sanch. l. 9. d. 4. Conin. d. 34. d. 2. n. 19. Perez d. 50. s. 3.*’

“ Certum est conjuges tenêri ex obligatione justitiæ ad cohabitandum in eadem domo, mensa, ac toro; *vide Sanch. l. 9. d. 4. n. 2. et Boss. c. 6. §. 7. n. 2.* Hinc infert neminem conjugum posse aliò discedere, altero invito, ad longum tempus, ut habetur ex *c. 1. de Conjug. lepros.* nisi adsint justæ causæ, nempe ob bonum publicum, vel ad alendam aut tuendam familiam, vel ad vitandum damnnum ab inimicis, ut dicunt *Sanch. n. 12. Laym. c. 1. n. 3. Pal. p. 5. §. 1. et Boss. n. 4. et 6. cum Aversa, Vill. et aliis.* Dixit autem *Boss. n. 12. cum Tolet. et Sayro,* quòd si vir diu deberet alibi manère, teneatur, si commodè potest, uxorem eò adducere, ut secum cohabitetur. An autem uxor teneatur sequi virum propter cohabitationem? *Vide dicenda n. 977.*

“ Vir potest suscipere brevem peregrinationem devotionis causâ, etiam invitâ uxore; hoc tamen non potest uxor sine consensu viri, cùm ipsa sit subjecta illius voluntati, et non deceat statum mulierum peregrinari; ita *Sanch. n. 15. Pal. n. 3. et Boss. n. 8. cum Laym. Vill. Fag. et Perez ex D. Th. Quodlib. 4. art. 11.* Ex mutuo autem consensu benè possunt conjuges invicem separari, modò absit periculum incontinentiae, et nocumentum prolis educandæ. *Sanch. n. 5. et Boss. n. 18. cum Fill. Vill. Perez, Fag. et aliis,* ex illo Apostoli (1. Cor. 7.): *Nolite fraudare invicem, nisi forte ex consensu ad tempus, ut vacetis orationi; et iterum revertimini in idipsum, ne tentet vos satanas.*

“ Dubit. 1. an liceat viro non coabitare cum uxore, eamque expellere à domo ob dotem promissam et non solutam?

Affirmant *Panormit.* *Armilla.* *Tab.* et *Gomez ap. Boss.* c. 6. n. 26, quia vir non tenetur alere uxorem, si dos non sit soluta; ergo neque tenetur cohabitare, quamvis tenetur reddere debitum. Sed negant probabilius et communius *Sanch.* l. 9. d. 5. n. 17. *Pal.* § 2. n. 5. *Mol. de just.* d. 245. §. *Si marito,* *Boss.* c. 6. n. 28. cum *Reb. Henr. Reg. Vill. Fag.* etc. Ratio, quia obligatio cohabitandi non oritur ex solutione dotis, sed ex ipsa lege naturali et divina, qua vir tenetur debitum reddere uxori, et ideo cum ea habitare; unde dicunt AA. præfati (contra tamen *Mol. et Reb.*) quod etiamsi vir non adhuc uxorem traduxerit in domum suam, teneatur traducere, non obstante quod dos non fuerit soluta.

“ Sed hic dubit. 2. an vir teneatur alere uxorem, non solutâ dote? Communiter negant DD. si culpa promittentis intervenit: ita *Sanch.* l. 9. d. 5. n. 2. *Bon.* p. 7. n. 7. *Boss.* c. 6. n. 29. et *Salm. IV. præc. c. unic.* p. 3. § 1. n. 50. et 53. cum *Fag.* et *Trull.* ac alii passim ex l. *Pro oneribus c. de jure dotium*, ubi dicitur ideo constitui dos, ut ex ea vir uxorem alat. Excipe tamen 1. nisi vir duxerit sine promissione dotis *Sanch.* n. 8. cum *Host. Præp. et Sylv. ac Salm. cit.* n. 50. cum *Abb. Moll. Bon.* etc. Excipe 2. si uxor sit in viri obsequio, tunc enim saltem ut famulam tenetur eam alere. *Salm. ib. cum Abb. Lupo,* etc. ap. *Sanch.* n. 6. qui tamen cum *Surdo et aliis* id non admittit, quia (ut ait) uxor tenetur et dotem, et obsequia præstare viro; unde non necessariò alenda est, tantum obsequia præstando. Sed magis adhæreo oppositæ sententiæ, quia ipsum jus naturæ dictat, ut alas qui ab tibi famulandum se occupat. Excipe 3. si uxor ex sua culpa cum viro non cohabitetur; secùs si ob justam causam. *Salm. ibid.* n. 51. cum iisd. Cæterum quando sive vir, sive uxor est verè pauper, putà si dos fortuitò periit, tenetur alter alterum alere. *Sanch.* n. 10. *Bon.* n. 8. *Salm. ibid.* n. 53. cum *Moll. Trull.* etc. ex l. *Si cùm dotem,* §. *Si maritus, ff. soluto matr.* ibi: *Quid enim tam humanum est, quam fortuitis casibus, mulieris maritum vel uxorem viri participem esse?* Hic autem notandum 1. quod ob dotem non solutam nequeat vir debitum negare uxori. *Sanch. l. c. n. 1. et Salm. l. c. n. 52. in fin. cum Mol. Sylv. etc.* Notandum 2. quod in extrema necessitate prius subveniendum sit parentibus, qui diligendi sunt ratione principii, quam conjugi, ut *D. Th.* 2. 2. q. 26. art. 11. et *Salm. ibid.* n. 51. contra *Laym. Bon. Pal.* etc. ap. *Boss.* c. 22. n. 1235. Et prius etiam filiis, cùm ipsi sint pars parentis. *Salm. ibid.* n. 51.

in med. cum aliis. In necessitate verò gravi priùs succurrendum conjugi, quàm parentibus, et filiis, quia quoad domesticam administrationem major est conjunctio inter conjuges, cùm ipsi sint una caro. *Sanch. l. 9. d. 29. n. 4. Bon. p. 7. n. 19. et Salm. de IV. Præc. c. unic. p. 3. §. 1. n. 51. in fin. cum Tolet. Bann. Trull. et aliis.*

“ Dubit. 3. an vir teneatur alimenta præstare uxori adulteræ? Alii affirmant, ut *Clarus, et Ant. Gabr. ap. Salm. ibid. n. 54*, quia uxor adultera non desinit esse uxor. Alii, ut *Sylvest. vers. Dos. q. 14. dist. 9. et Ang. ac Surdus apud Salm. ibid.* negant, si adulterium est publicum, quia tunc potest vir uxorem è domo expellere, secùs si occultum, tùm enim expellere nequit. Alii verò communiùs et probabiliùs, ut *Sanch. l. 1. d. 8. n. 25. et Salm. ibid. n. 55. cum Soto, Man. Fag. et Trull.*, negant tenèri, sive adulterium fuerit publicum, sive occultum. Ratio, quia adhuc concesso quòd ob adulterium occultum uxor non posset expelli, ne ejus crimen prodatur, utque scandalum vitetur (in quo tamen quæstio est; *vide dicenda n. 968.*); nihilominùs ratio hæc non militat in negatione alimentorum, quæ sine scandalo et infamia uxoris negari possunt. Idque dicunt esse probabile *Salm. cit. n. 55. in fin. cum Card. de Laurea, et Surdo*, etiamsi uxor admiserit tantùm oscula ab alio, si sint notoria; vel si occulta, si sint nimis lasciva, aut si uxor sit nobilis.

“ 940.—‘ 3. Peccat mortaliter, qui conjugi seriò, et instanter petenti debitum negat, quia est res gravis, et debetur ex justitia: intellige, nisi petens precibus, aut aliâ ratione honestâ averti possit, et petitio non sit immoderata; (nam, si sæpè petenti semel vel bis negetur, citra periculum incontinentiæ, videtur esse tantùm veniale, ob levitatem materiæ: aliquando, si nimis immoderatè, et justo sæpiùs petat, nullum, secundùm *Perez d. 50. s. 4.*) nec sit alia justa causa negandi, *Bon. q. 4. p. 1. ex Sanch. Fill. etc.* Justam autem, secluso periculo incontinentiæ utriusque, esse censem *M. Perez l. c. n. 6.* si plures nascantur filii, quàm possint alere.’

“ Quær. 1. An peccet graviter conjux negans debitum unà vel alterà vice?

“ *Prima sententia* negat, modò absit periculum pollutionis, et hanc tenet *Pont. l. 10. c. 2. n. 5. cum Sa, Sanch. l. 9. d. 2 n. 11. cum Bon. p. 1. ac Avers. Hurt. Corn. et Ochag. ap. Boss. c. 1. n. 40*, quia id non videtur materia tam gravis, ut culpam lethalem constituat.

“ *Secunda sententia* verò, quam tenent *Pal.* p. 4. §. 4. n. 5. *Tamb.* l. 7. c. 3. §. 3. n. 20. *Boss.* c. 1. n. 41. *cum Tan.* et *Croix* n. 391. *cum Gob.* dicit etiam negare semel, vel differre debitum seriò et instanter petenti, per se loquendo esse mortale, adhuc remoto periculo pollutionis. Ratio, quia hoc videtur materia satis gravis, tum ratione prolixis quae ex unica copula benè gigni potest; tum ratione discordiæ, et periculi incontinentiæ, quae ex tali negatione potest sequi. His tamen non obstantibus, prima sententia non videtur improbabilis, cum gravitas materiae pendeat ab hominum aestimatione, et tot graves DD. censeant hanc esse materiam levem: ipsimet autem id dicunt, supponendo quod absit periculum incontinentiæ, vel magni dissidii; ceterum procreatio prolixis pro illa vice est valde incerta. Conveniunt autem communiter non peccare uxorem negando, si vir benevolè aut remissè petat; ita *Pont.* l. c. n. 4. et 5. *Bon.* d. n. 1. *Croix* n. 391. *Ronec.* p. 183. q. 2. r. 1. *Tamb.* n. 21. *cum Corn.* et *Ochag.* *Laym.* c. 1. n. 1. ac *Poss.* c. 1. n. 35. *cum Sot.* *Reb.* *Rodr.* *Henr.* *Reg.* *Lop.* *Fag.* *Hurt.* *Vill.* *Avers.* et *Dian.* Item, si conjux petens, adhuc instanter, cedat precibus negantis, qui negat cum justa causa; aliás etiam venialiter saltem peccaret; ita *Sanch.* d. d. 2. n. 13. *cum Nav.* *Sylv.* *Margar.* *Philarch.* etc. nisi preces essent ita importunæ, ut alter quasi coactus videretur cedere; vel nisi adesset in altero periculum incontinentiæ; tunc enim nec etiam precibus, sine causa gravi, liceret eum avertere; ita *Sanch.* l. c. *cum Nav.* *Sylv.* *Lop.* *D.* *Th.* in 4. d. 32. q. 1. art. 2. ad 4.

“ Præterea non peccat negans, quando alter immoderatè petit, sine tamen periculo incontinentiæ, et in hoc etiam omnes conveniunt; vide *Boss.* n. 18. Hinc dicunt *Laym.* c. 1. n. 1. *Croix* n. 396. *Holz.* n. 468. *Spor.* n. 513. *cum Rodr.* et *Gloss.* non esse mortale, post tertiam copulam in eadem nocte habitam, negare quartam. Imò addunt *Tamb.* n. 22. *Spor.* l. c. et *Sanch.* n. 11. *cum Led.* nec esse mortale petenti quinques in mense negare semel; sed huic non acquiesco, cum ex una parte petere quinques in mense sit valde moderatum, et ex altera negare semel in mense videtur materia sat gravis. Item non videtur peccare uxor, si differat reddere ad breve tempus, nempe usque ad noctem; ut *Pont.* c. 2. n. 5. *Sanch.* d. num. 11. *cum Vict.* *Ronec.* l. c. *Spor.* n. 513. *cum communi,* et *Croix* n. 391. *cum Perez,* *Gob.* et *Dian.* Vel si à nocte differat ad mane, ut *Boss.* n. 37. *cum Sanch.* *Pon.* *Vict.* *Hurt.* *Vill.* *Led.*

etc., excluso tamen semper periculo incontinentiæ. Non potest autem post copulam habitam in die negare in nocte.

“ 941.—Quær. II. An sit justa causa negandi debitum, si plures nascantur filii quam conjuges possint alere ?

“ *Prima sententia* negat, et hanc tenent *Laym. tr. 16. c. 1. n. 16. Rone. p. 183. q. 2. r. 1. Spor. n. 516.* (qui excipit solum casum, quo conjuges multiplicatâ prole ad extremam necessitatem redigerentur) item *Pal. p. 4. §. 10. n. 8. cum Sylv. Con. Nav. Ang. Reb. Margar. Lop. et Graff.* Ratio, tum quia procreatio prolis spectat ad præcipuum finem matrimonii, cui postponendum quodvis incommodum, melius enim est ut proles vivat inops, quam ut omnino non sit ; tum quia aut conjux negaret diu, aut aliquando : si diu, exponeret alterum periculo incontinentiæ : si aliquando, frustrâ negaret ; nam conjuges rariū coēundo faciliū concipiunt.

“ *Secunda sententia* verò affirmat, et hanc tenent *Sanch. l. 9. d. 25. n. 3. Pont. l. 10. cap. 3. n. 7. Dian. p. 9. tr. 7. r. 3. Bonac. p. 1. n. 13. cum Led. Rodr. et Sa, ac Boss. c. 1. n. 220. cum Sot. Comit. Vill. Reg. Hurt. et Fag.* et probabilem putant *Tamb. l. 7. c. 3. §. 5. n. 3. et Spor. l. c.* Ratio, tum quia multiplicitas prolium futurarum cederet in nocumentum filiorum jam genitorum, tum quia in omnibus debitibus magna difficultas excusat à solutione. Conveniunt tamen omnes esse obligationem reddendi, si adsit in altero periculum incontinentiæ : quod reverà (ut benè advertit *Conin.*) vix non aderit, si in eodem toro conjux habitet, et alter debitum petat ; et ideo prima sententia magis mihi arridet.

“ 942.—‘ 4. Peccat graviter vir, vel mulier, si se impotentem reddit, etiam mediis aliâs licitis, v. g. jejuniis, etc. invitâ comparte : imò si aliter non possit reddere debitum, licetè non observat jejunia Ecclesiæ,’ (*Vide dicta l. 4. n. 1034. v. 3. Excusantur, ubi diximus id procedere de viro ; nam uxorem difficilè videtur per jejunia fieri impotentem ad reddendum, ut Salm. de 4. præc. c. unic. p. 3. §. 1. n. 49.*) ‘ sicut et uxor, si notabiliter iis fiat deformior. Bon. l. c. Sanch. l. 9. d. 3. n. 11. Reg. Con. Fill. n. 306. etc. Perez d. 50. s. 2.

“ 943.—‘ 5. Conjugx tenetur reddere debitum, quamvis illicitè petenti, si redditio hic et nunc non sit illicita, v. g. petenti voluptatis causâ, vel ligato castitatis voto, vel die festo, etc. *Vide Sanch. lib. 9. d. 6. Pont. lib. 9. cap. 3. Con. d. 34. d. 6. Perez d. 50. s. 5.* Quia malitia alterius non dat illi jus negandi, quod suum est. Non tamen tenetur reddere petenti

sine gravi causa, modo innaturali, vel in loco publico, vel sacro, etc.

“ Certum est conjugem non tenēri ad reddendum debitum cum peccato proprio, et etiam veniali, cùm nemo possit esse obligatus ad peccandum ; ita communiter *Pal. p. 4. §. 11. n. 1. Bon. p. 3. n. 3. et 4. Laym. c. 1. n. 17. Spor. n. 517. Boss. c. 1. n. 226. et alii passim.*

“ Sed quær. I. Utrùm liceat reddere illicitè petenti cum peccato mortali ? Resp. Si culpa se tenet ex parte actûs, putà si alter petat in loco sacro vel publico, vel si cum periculo abortûs, vel sanitatis propriæ, aut alterius, omnes convenient non tenēri conjugem, nec posse reddere sine gravi culpa ; quia tunc, cùm actus sit per se malus, alter injustè petit, eò quòd non habet jus petendi ; ita *Sanch. l. 9. c. 6. d. 16. n. 8. Pont. l. 10. c. 3. n. 3. Salm. de matr. c. 15. p. 2. n. 21. cum D. Th. Con. Bon. Henr. et aliis passim.* Sed

“ 944.—Dubit. 1. Si culpa se tenet ex parte personæ exigentis, nempe si ille sit obstrictus voto castitatis, aut petat ob pravum finem, an alter possit reddere ?

“ *Prima sententia* communis dicit non solùm posse, sed etiam tenēri ; et hanc sequuntur *Suar. de consur. d. 15. sect. 4. n. 9. Lugo de sacram. d. 8. n. 182. Contin. Tournel. tr. de matrim. cap. 7. n. 4. v. Dico 1. Conc. p. 369. n. 2. Laym. l. 5. tr. 10. p. 3. c. 1. n. 17. Bonac. qu. 4. p. 3. n. 3. Pal. p. 4. §. 11. n. 3. Spor. n. 517. Holzm. n. 467. v. Tertio, Elbel n. 416. Escob. l. 25. n. 91. cum Sylv. Con. Cov. et Henr. Sanch. d. d. 6. n. 7. cum Ang. Led. Manuel, P. Soto, Veracr. et Met. Boss. c. 1. n. 241. cum Perez, Diana, Fill. et Vill. ac Salm. de matr. c. 15. p. 2. n. 18. cum Avers. Reb. Dic. etc. Ratio, quia conjux ille per votum non amisit jus petendi, unde quamvis illicitè, non tamen injustè debitum exigit.*

“ *Secunda sententia* verò, quam tenent *Pont. l. 10. c 3. n. 3. et Croix l. 6. p. 3. n. 353. cum Sylv. Comit. et aliis paucis,* dicit, quòd sive culpa se teneat ex parte actûs, sive ex parte personæ petentis, non licet ei reddere (nisi sit in potestate petentis ab illa prava circumstantia se liberare, putà si exigeret ob malum finem). Ratio, quia posito impedimento voti, actus conjugalis necessariò est illicitus petenti, cui coöperari alteri non licet. Nec petens eo casu habet dominium in corpus alterius, tùm quia dominium tunc est impeditum à voto ; tùm quia conjux non habet jus nisi ad usum licitum matrimonii. *Huic autem congruunt dicta de rest. l. 4. n. 697. ubi dicunt Lugo de just.*

d. 21. n. 62. et Croix, cum Less. Mol. Soto, Nav. etc. quòd debitor non teneatur restituere domino rem, quâ ille est abusurus ad peccandum; quod expressè etiam tradidit *D. Th. 2. 2. q. 26. art. 5. ad 1. ubi*: *Quando res restituenda apparet esse graviter nociva ei, cui restitutio facienda est, non ei debet tunc restitui, quia restitutio ordinatur ad utilitatem ejus cui restituitur.* Dicit tamen *Lugo l. c.* quòd, cùm hæc obligatio sit tantùm charitatis, non obligatur debitor ad negandum, si non possit negare sine gravi incommodo. Hæc sententia est quidem probabilis, sed prima videtur probabilior, saltem extrinsecè; gravi utique nititur ratione, quia obstrictus voto adhuc retinet jus ad petendum, et consequenter tenetur alter ei reddere, prout si quis votum emitteret non exigendi à te pecuniam debitam, si ille postea petit, tenēris tu reddere, quia per votum creditor non amisit jus suum, et eo casu tu reddendo minimè coöperaris formaliter ejus peccato, cùm non sis causa cur ille debitum exigat, sed tantùm concurris ad materiale peccati, quod tu non potes impedire, cùm debes rem suo domino reddere; ideo nec tenēris impedire, quia impediendo actum injustitiæ committeres. Nec valet dicere, quòd nemo habeat jus ad actum illicitum; nam responderetur, quòd esto conjux ille petens non habeat jus ad petendum cum peccato, habet tamen jus ad actum conjugalem qui per se est honestus, under alter reddendo non peccat, quia dat operam, non alterius peccato, sed actui licito, et ex justitia debito. Hinc dicunt *Sanch. lib. 9. d. 36. n. 11. cum Palud. Henr. Man. et Led. ac Salm. de matr. c. 15. p. 2. n. 20. cum Con. et Bon.*, quòd licet conjux voverit ex consensu alterius, si tamen expressè non cessit juri suo petendi, etiam tenetur alter debitum reddere. Imò etiamsi ad invicem voverint, non intendentes cedere juri suo, adhuc tenetur alter petenti reddere, ut dicunt idem *Salm. l. c. in fin. cum Sanch. Less. Bon. et Henriquez.*

“ Benè tamen advertunt *Sanch. l. 9. d. 6. n. 5. cum Cov. et Adrian. ac Boss. c. 1. n. 248. cum Con. Reb. et Vill.* quòd eo casu tenetur conjux monère petentem ligatum voto, ut à petitione desistat, modò possit monère sine timore magni dissidii, vel indignationis, aut incontinentiæ alterius: quæ incommoda, dicunt *Sanch. et Bossius*, ut plurimùm adesse. Quando autem conjux prævidet, quòd alter impeditus voto vel alio impedimento illicitè petet, tunc tutius erit ut ipse præveniat, et si ille jam petierit, ipse tunc etiam petat, dicens, *volo ut tu mihi reddas*: sed ad hoc meritò ait *Sanch. d. n. 5. uxores rarò obli-*

garī, quia magnum onus esset eis ob naturalem mulierum verecundiam tenēri ad semper petendum. Præterea advertendum cum *Bossius n. 252. et 273.* quod si conjux impeditus petat infra primum bimestre, non teneatur, nec possit alter ei reddere; cùm eo tempore ille non habeat jus ad petendum.

“945.—Dubit. 2. An conjux possit et teneatur reddere debitum incestuoso petenti? Adsunt tres sententiæ. Alii ut *Hostiensis, et Lopez ap. Boss. c. 1. n. 249.* dicunt tenēri. Alii, ut *Pontius l. 10. c. 3. n. 3. et Palac. ac P. Led. apud Sanch. l. 9. d. 6. n. 11.* dicunt nec tenēri, nec posse, quia cùm incestuosus sit privatus jure petendi, alter reddendo illicite cooperaretur illius peccato. Alii verò communiūs, et probabiliūs dicunt non tenēri, sed posse; ita *Sanch. n. 12. Pal. p. 4. §. 6. n. 7. Bon. quæst. 4. p. 3. n. 3. Salm. de matr. c. 15. p. 2. n. 15. Boss. c. 1. n. 250. cum S. Anton. Palud. Sylv. Laym. Cov. Victor. Reg. Vill. etc.* Ratio, quia licet incestuosus sit privatus jure suo, conjux tamen innocens, cùm habeat jus petendi, à fortiori habet jus reddendi, alioqui grave onus deberet subire (maximè uxor), si semper deberet petere; imò magnis scrupulis deberet angi, existimans ne fortè moveatur ad reddendum ex tacita petitione alterius; hoc autem onus satis excusat à co-operatione ad materiale peccati quod committit incestuosus. Tutius autem erit (ut diximus), ut conjux innocens tunc ipse petat.

“946.—Quær. II. An petenti cum sola culpa veniali teneatur alter reddere? Alii affirmant ut *Boss. c. 1. n. 230. Escob. l. 25. n. 93. Sporer n. 518. Sanch. l. 9. d. 6. n. 6. et d. 16. n. 8. cum Cajet. et P. Soto, Laym. c. 1. n. 18. cum Dom. Soto. et Nav. ac Boss. c. 1. n. 230. cum Con. etc.* Ratio, tūm quia vinculum justitiae, quo conjuges tenentur reddere, fortius stringit, quām vinculum charitatis quo tenentur vitare peccatum alterius; tūm quia semper (ut ajunt) adest justa causa reddendi, scilicet ne exigenti displiceat, vel saltem (ut dicit *Sanch.*) ne privetur jure suo reddendi. Alii tamen (ut *Bon. quæst. 4. p. 3. n. 10. cum Armilla*) dicunt non tenēri, nisi adsit justa causa ex parte petentis. Ego dico omnino distinguendum: si actus est illicitus ex parte personæ petentis, putà si petat ob voluptatem, vel alium finem leviter malum, vel dic quo vult Eucharistiam accipere, tunc tenetur reddere; quia, cùm actus sit per se honestus, tenetur ex justitia ad reddendum, etiamsi exigens peccet graviter in petendo, ut diximus *n. 944. dub. 1.* Si verò actus est venialiter illicitus ex parte ipsius actūs seu copulæ, ut

si petatur situ innaturali, vel tempore menstrui, aut puerperii, tunc quando adest justa causa, potest quidem reddere, cùm quælibet justa causa excusat à veniali. Justa autem causa erit, v. g. ne incurrat indignationem alterius sive rancorem illius quodammodo notabilem, et non possit eum commodè avertere. Causa verò quam adducit *Sanch.*, nempe ne conjux privetur suo jure reddendi, non videtur sufficiens, nam sicut petens tunc non habet jus ad sic petendum, ita nec alter jus habet ad sic reddendum. Dixi, *potest reddere*, sed non tenetur, quia licet vinculum justitiæ fortius sit vinculo charitatis, attamen cùm actus sit tali modo per se illicitus, alter non habet jus ad illum, et sic responderetur ad rationem primæ sententiae; ita *Bus. ut suprà n. 934. ac Less. l. 3. c. 3. n. 89;* item *Palac. et Led. ap. Sanch. d. d. 16. n. 8.* et probabilem putat *Croix num. 356. cum S. Antonin. 3. p. tit. 1. c. 2. §. 7.* ubi ait tunc tenèri conjugem ad reddendum, quando alter petit modo naturali; ergò, si innaturali, non tenetur. Sanè verò teneretur reddere, si petens haberet justam causam etiam ex sua parte sic petendi, putà si peteret copulam situ innaturali, eò quòd uxor sit prægnans, aut ipse sit pinguis, vel alioquin immineret periculum scandali; *vide dicta n. 917.* Vel si petat tempore menstrui, aut puerperii cum periculo incontinentiæ, *juxta dicta n. 925. circa fin.*

“ An autem conjux teneatur reddere petenti statim post prandium? *Vide dicta n. 916. v. Videtur.* An petenti die communionis? *Vide n. 922. ac in Tract. de Euch. l. 6. n. 274.* An petenti in die festivo, jejunii, et Rogationum? *Vide n. 923.*

“ 947.—Quær. III. An liceat uxori reddere debitum, vel petere à viro volente seminare extra vas post copulam incéptam?

“ *Prima sententia* affirmat, et hanc tenent *Pont. l. 10. cap. 11. num. 8. Tamb. Dec. l. 7. c. 4. §. 5. num. 4. et Sporer p. 356. num. 490,* quia (ut ajunt) cùm mulier reddit, aut petit, dat operam rei licitæ, nec ipsa propter malitiam viri debet suo jure privari.

“ *Secunda sententia*, quam tenent *Roncag. p. 187. quæst. 10. r. 2. et Elbel. p. 471. num. 394.* dicit uxorem non posse nec petere nec reddere, nisi adsit gravis causa, quæ ipsam excusat in permittendo peccatum viri, et in coöperando ad materiale peccati illius, aliàs tenetur ex charitate, cùm possit sine gravi incommodo viri peccatum impedire. Ego tamen distinguendum

puto : Si agatur de reddendo debito, dico uxorem probabiliter posse et tenēri negare debitum, si possit sine gravi incommodo, juxta secundam sententiam allatam *num. 944.* quia abusurus re sibi debita non habet jus ad rem sibi vindicandam ; sed probabilius videtur uxor non solū posse reddere, ut dicit prima sententia, quam sequitur etiam *Sanch. l. 9. d. 16. n. 3.* sed etiam tenēri. Ratio, quia (juxta dicta *cit. num. 944.*) quando culpa se tenet ex parte personæ petentis, cùm ipse habeat jus ad copulam, nequit alter sine injustitia debitum negare, si non possit monendo à tali culpa illum avertere : et tunc patet quòd reddens ne materialiter quidem coöperatur peccato illius, cùm non coöperetur seminationi extra vas, sed tantùm copulæ incoepæ, quæ per se omnino utriusque est licita. Si verò agatur de petitione debiti, dico cum secunda sententia uxorem non posse petere, si non adsit justa et gravis causa ; tunc enim reverà tenetur ex charitate impedire peccatum viri. Justam autem causam habebit petendi, si ipsa esset in periculo incontinentiæ, vel si deberet aliæ privari suo jure petendi plusquam semel vel bis, cum perpetuo scrupulo an ei sit satis grave incommodum, vel ne, tunc se continere. *Vide dicta in pari casu l. 3. n. 53. v.*
Si vero (1).

“948.—‘6. Non tenetur reddere 1. Si alter alteri debitum remiseret, v. g. si consensu mutuo voverint castitatem.’ (*Sed oppositum est probabile, si non intenderint cedere juri suo, juxta dicta num. 944. circa fin.*) ‘vel auctoritate publicâ cele-

(1.) *Ad quæstionem* : An liceat uxori reddere debitum vel petere à viro volente seminare extra vas post copulam incoepam ? *respondit pluries sacra Pœnitentiaria et inter alia* : 1 Febr. 1823 :

“Cùm in proposito casu, mulier à sua quidem parte nihil contra naturam agat detque operam rei licitæ, tota autem actûs inordinatio ex viri malitia procedit qui loco consummandi retrahit se et extra vas effundit ; ideoque si mulier post debitas admonitiones nihil proficiat, vir autem instet, minando verbera, aut mortem aut alia gravissima mala, poterit ipsa (ut probati theologi docent) citra periculum permissivè se habere ; cùm in rerum adjunctis ipsa sui viri peccatum simpliciter permittat idque ex gravi causa quæ eam excusat; quoniam charitas, quæ illud impedire tenetur, cum tanto incommodo non obligat :”

Ex alia decisione ejusdem Tribunalis, 15 Nov. 1816 :

“Probati castigatique morales theologi in hoc consentiunt, ut liceat uxori debitum reddere, si ex ejus denegatione malè habenda sit à viro suo, et grave inde incommodum sibi timere possit ; neque enim, ajunt, hoc in casu, censemur uxor viri sui peccato formaliter cooperari, sed illud tantummodo ex justa et rationabili causa permittere. Moneat tamen orator hujusmodi uxorem, ut non cessest prudenter commonere virum suum, ut ab hac turpitudine desistat.”

brarint divortium. 2. Si petens sit amens; quia talis non est capax usus dominii; nec petit cum ratione, et humano modo. Quod etiam valet in ebrio. Simpliciter tamen uti petere, ita reddere licet tam ebrio, quam amenti; nisi esset periculum foetus enecandi. *Nav. c. 16. Sylvest. Laym. c. 1. num. 9. 3.* Si alter moechatus sit, quia *frangenti fidem fides frangatur eidem*; nisi tamen ipse quoque sit adulter, vel causa adulterii.' (*Vide dicenda num. 966.*)

"Quær., an conjux teneatur reddere debitum amenti, vel ebrio? Affirmant *Nav. c. 16. num. 26. et Sylv. Ang. Graff. Led. etc. apud Boss. c. 1. n. 293.* quia conjux ebrius, vel factus amens adhuc retinet dominium acquisitum in corpus alterius; nec officit amentia ad procreationem prolis. Negant verò communissimè et probabilius cum *Bus.* ut supra, *Laym. c. 1. num. 9. Pal. p. 4. §. 4. num. 19. Bon. p. 1. num. 10. Sanch. l. 9. d. 22. num. 9. Conc. p. 402. num. 31. Croix num. 394. et Boss. n. 294. cum Soto, Con. Fill. Vict. Lop. Henr. Reg. Aversa, Hurt. etc. Ratio, quia, licet isti dominium retineant, sunt tamen incapaces usus dominii. Excipe 1. si in eis sit periculum prodigiendi semen, quia tametsi ipsi non peccent, est tamen impeditus actus materialiter malus. Excipe 2. si quis non esset universè amens, sed in una tantum vel altera materia. *Sanch. n. 6. Boss. num. 297.* vel si ille esset tantum fatuus, non verò omnino mente captus, vel si petat dum habet lucidum intervallum. *Boss. n. 298. et 299. cum Sanch. Ric. et Conc.**

"Quamvis autem non sit obligatio reddendi conjugi amenti, vel ebrio, licitum est tamen ei reddere, ut communiter dicunt præfati AA. cum usus matrimonii per se sit licitus, et proles educari possit à conjugi sanæ mentis. Modò (intelligendum) absit periculum scandali, vel abortus; unde bene addunt *Sanch. n. 7. et Boss. n. 302,* quod non liceat coire cum uxore amente furiosa, nisi ipsa experta sit sterilis. Peccaret etiam qui conjungeret ad copulam conjuges ambos amentes, quia esset causa, ut filii carerent debitâ educatione. *Sanch. n. 5. cum Led. et Lop. et Boss. n. 303. cum Bonac. Con. Laym. P. Soto, Fill. etc.*

"949.—'7. Etsi is, qui matrimonio contracto sciens prudens voluntariè cognovit consanguineam uxoris in primo vel secundo gradu, non possit petere debitum,' (*ex cap. 1. de Eo qui cogn. etc. Vide dicenda n. 1070.*) 'tenetur tamen reddere. Idem est de eo qui, insciâ compare, vovit castita-

tem, post matrimonium consummatum. Si tamen antè vobisisset, videtur obligari ad ingressum religionis, saltem primo bimestri (nisi tamen matrimonium consummaverit); imò etiam post, si uxor consentiat, *de quo plura ride apud Laym. c. 11. n. 10.*

“ 950.—‘ Resp. 2. Coniux non tenetur reddere debitum, si inde grave damnum, vel periculum sibi, vel proli meritò timeat. Perez. dist. 50. sess. 4. Unde non tenetur sequentibus casibus :

“ ‘ 1. Si illud petat maritus morbo contagioso laborans, v. g. gallico, peste, leprâ, etc. (nisi tamen hæc ante matrimonium fuerit cognita, et non sit nimis gravis) Bon. q. 4. p. 1. num. 8. Perez d. 50. Sanch. l. 9. d. 14. Laym. l. 5. tr. 10. p. 3. c. 1.’

“ Quær. an coniux tenetur reddere debitum alteri laboranti aliquo morbo contagioso, putà leprâ, peste, phthisi, morbo gallico, et simili? Certum est 1. Coniuges tenēri ad reddendum cum levi suo damno, huic enim præponderat lex justitiæ, obligans quidem sub gravi, cùm redditio debiti gravis sit materia; ita communiter Sanch. l. 9. d. 24. num. 2. cum Soto, Nav. etc. ac Boss. l. 2. c. 1. num. 168. in fine cum Bon. Reb. et Val. Unde dicunt D. Th. 3. p. q. 64. art. 1. ad 4. et D. Bonav. Ric. et alii ap. Sanch. l. c. n. 15. uxorem tenēri ad reddendum debitum viro leproso, ex c. 2. de *Conjug. lepros.* ubi: *Quòd si virum, sive uxorem, leprosum fieri contigerit, et infirmus à sano carnale debitum exigat, generali præcepto Apostoli, quod exigitur est solvendum; cui præcepto in hoc casu nulla exceptio invenitur.* Ratio, quia, cùm copula brevè fit, non imminet ex ea periculum infectionis: et ideo ait D. Th. Suppl. q. 64. a. 1. ad 4. *Tenetur reddere . . . , non tamen . . . cohabitare . . . quia non ita citò inficitur ex coitu, sicut ex frequenti cohabitatione.* Communiter tamen id limitant 1. DD. si ex tali coitu judicio medicorum adsit periculum infectionis notabiliter noxiæ; ita Boss. c. 7. n. 181. cum Laym. et Sanch. d. d. 24. n. 17. cum S. Anton. Nav. Soto, Palud. Caj. Vict. et aliis. Limitant 2. si coniux sanus tantum horroris habeat ad coëundum cum leproso, ut id sit ipsi moraliter impossibile; impossibilium enim nulla est obligatio ex l. *Impossibilium ff. de Reg. jur.*; ita Sanch. n. 21. et Boss. num. 194. cum Host. Panorm. Sylv. Pont. Soto, Barb. Laym. Reg. Vill. etc.

“ Certum est 2. non tenēri conjugem reddere debitum cum

gravi periculo propriæ vitæ, aut sanitatis; ita *D. Th. Suppl.* qu. 64. art. 1. ubi: *Vir tenetur uxori debitum reddere..., salvâ tamen priùs personæ incolumente.* Et ita communiter omnes (vide *Sanch. d. d. 24. n. 2.*) Ratio, quia (ut ait *D. Th.*) *hic est ordo naturalis, ut priùs aliquid in seipso perficiatur, et postmodùm alteri de perfectione sua communicet; et hic est etiam ordo charitatis, quæ naturam perficit.*

“Certum est 3. conjugem, non solùm non tenèri, sed nec etiam posse reddere cum gravi periculo suæ salutis, quia nemo est dominus vitæ suæ; ita communiter *Pal. p. 4. §. 10. n. 4. Pont. l. 10. c. 14. n. 3. Sanch. l. 9. d. 24. n. 8. cum Soto, Caj. Arm. Led. etc. ac Boss. c. 1. n. 199. cum Laym. Con. Fill. etc.* Et hoc etiamsi illud grave damnum immineret soli petenti, ut dicunt *Sanch. n. 9. et Boss. n. 209. cum Soto, Arag. etc.*; eo enim casu reddens, tantùm excusari posset, si ab altero timeretur proximum periculum occisionis. Limitant verò *Sanch. n. 22. cum Led. Palac. Vega, Man. etc. ac Laym. Azor, Fill. ap. Boss. c. 1. n. 189.*, si conjux sanus ante matrimonium jam noverit alterius morbum contagiosum, quia (ut ajunt) in omnibus contractibus, quando detegitur vitium rei, non minùs obligantur contrahentes, quàm si res vitio careret. Sed meritò hanc limitationem rejiciunt *Pal. l. c. et Ang. ac Vill. ap. Boss. n. 189.*, quia emens rem, quam scit vitiosam, cedit juri suo, et benè cedere potest; sed conjux (ut diximus) non potest cedere juri servandæ suæ salutis.

“Probabiliter tamen poterit conjux reddere alteri infecto, etiam cum periculo gravi propriæ sanitatis: I. Si proles sit necessaria ad bonum commune. *Sanch. d. d. 24. n. 11. cum Ledesma*, nemine contradicente, ut asserit. II. Si conjux infectus petens esset in probabili periculo incontinentiæ, nam licet sanus nec etiam eo casu teneatur reddere cum periculo suæ sanitatis, ut dicunt *Laym. c. 1. n. 5. Pont. l. 10. c. 14. n. 2. Sanch. d. 24. n. 12. Boss. n. 204. et 205. cum Major. Reg. Comit. et Vill. ac Pal. p. 5. §. 10. n. 4. cum Con. (contra Gabr. Led. et Rodr.)* tûm quia charitas non obligat cum tanto onere, tûm quia alter non est in extrema necessitate, cùm possit aliter sibi subvenire; attamen licet potest reddere, et tale periculum subire ex motivo charitatis; quia, esto homo non sit dominus suæ vitæ, potest tamen propter charitatem illum exponere, ut *Pont. l. c. n. 4. et c. 2. n. 7. Sanch. n. 12. Bon. q. 4. p. 1. n. 3. et 4. et Boss. n. 294. cum Major.*

Vill. Con. Aversa, P. Soto, Laym. Hurt. Comit. et Reg. III.
 Si redderet ad vitanda magna dissidia, vel ad fovendum amorem conjugalem; et etiam ad vitandum periculum incontinentiae propriæ, et tunc potest etiam petere; quia vitatio incontinentiae, aut conservatio pacis familiæ ac amoris conjugalis prævalet obligationi vitandi infectionis periculum. Hæc tamen omnia intelligenda (ut diximus n. 909.) si morbus sit diuturnus et quasi habitualis, ut lepra, morbus gallicus, phthisis, etc., non verò si sit de illis, qui de brevi et facili solent mortem afferre, ut est infectio pestis, et lepræ leoninæ. IV.
 Addo, si conjux sanus possit præservativis facile vitare contagium sive ejus periculum.

“Sicut autem non potest conjux sanus reddere infirmo cum periculo propriæ salutis, sic etiam infectus nec potest reddere sano cum periculo salutis illius, etiamsi ille petat jam conscientia sui periculi: prout non licet reddere gladium volenti se necare, cùm nemo sit dominus auæ vitæ; ita *Sanch. l. 9. d. 6. n. 17. Pont. l. 10. n. 2. in fin. et Boss. c. 1. n. 209. cum Soto, Con. Azor, etc. communiter.* Probabiliter tamen excipiunt *Busemb. n. 909. cum Perez, Bon. p. 6. n. 8. Sanch. d. 24. n. 23. cum Cajet. P. Soto, et Crass. ac Boss. d. n. 209. in fin.* (se remittens ad n. 195.) *cum Laym. Pont. et Reg.* si reddit ad vitandum periculum incontinentiae in se vel in altero, vel ad vitanda dissidia, aut ne diu privetur usu conjugii, quod vix esse potest sine periculo incontinentiae. Hocque etiam intelligendum, si ejus morbus sit diuturnus, et non proximè ad mortem tendens; itemque si alter sanus petens jam ejus morbi sit conscientius, *juxta dicta n. 909. Dub. 1.*

“951.—An autem conjux possit et teneatur reddere, quando timetur damnum prolis nascituræ? Negant *Medina, et Palacius ap. Sanch. l. 9. d. 24. n. 24.* quia nemo tenetur, nec potest reddere debitum cum damno innocentis. Sed communiter et verius affirmant *D. Th. in 4. d. 32. q. un. ar. 1. ad 4. S. Anton. 3. p. tit. 1. c. 20. §. 10. circa fin. Sanch. n. 25. cum S. Bonav. Palud. Sylv. Led. etc. ac Boss. c. 1. n. 136. cum Soto, Laym. Reb. Fill. Reg. Vill. etc.* Ratio assignatur à *D. Th. l. c. ubi: Uxor tenetur viro leproso reddere debitum; et quamvis proles gigneretur infirma, tamen melius est ei sic esse, quam penitus non esse.* An verò liceat reddere tempore prægnationis, vel menstrui, aut purgationis post partum? *Vide dicta n. 924, 925, et 926.*

“952.—‘2. Si petat ab uxore laborante febri, vel alio morbo

cui copula noceret: *Bon. q. 4. p. 1. n. 4. ex Sanch. etc.* item *Per l. c.*? (*Sive post balnea, aut sectionem venæ; vide dicta n. 910.*) ‘Vel, ut quidam volunt, tempore menstrui: *Bon. q. 4. p. 3 n. 11. et p. 6. n. 10. contra Sanch. Hurt. Per. d. 49. s. 3.*’ (*Vide dicta n. 925.*) ‘Aut cùm uxor est gravida, et ex redditione periculum mortis (vel etiam abortūs) probabile timeatur proli jam conceptæ: imò tunc nec petere, nec reddere licitum est, ut per se patet, ait *Laym. c. 1. n. 7.* et esse mortale dicit *Perez dist. 49. s. 3.* (addens ex *Sanch. Conin. et Hurt.* cessante periculo prolis usum matrimonii licitum esse)’ (*Vide dicta n. 924.*) Aut si non possit uxor edere fœtum, nisi mortuum. *Bon. q. 4. p. 1. et 2. n. 14.* (*Laym.* tamen *c. 7. n. 7.* dicit eo casu licere reddere, imò et petere; quod *Bon. l. c.* concedit, si fiat ob periculum incontinentiæ) aut non possit edere, nisi cum præsenti periculo vitæ. *Bon. l. c. n. 7. Laym. l. c. n. 6.* Quod tamen ad vitandam incontinentiam, aut alia gravi ex causa, eam posse permittere et debitum reddere, insinuat *Laym. l. c. ex Sanch. l. 7. d. 102. n. 11.*’ (*Vide dicenda n. seq. 953.*) ‘Denique propter grave periculum morbi (non tamen propter ordinarios dolores partūs) potest conjux negare debitum, etiamsi in altero esset periculum incontinentiæ. *Sanch. Præp. Pal. Dian. p. 6. t. 7. r. 64. et p. 9. t. 7. r. 4.*’ (*Vide dicta mox sup. n. 950.*)

“3. ‘Si alter debitum exigat innaturali modo, nisi tamen ex negatione timeantur graviora mala, v. g. rixæ, odium, incontinentia.’ (*Vide dicta n. 946.*)

“953.—Commune est non tenēri uxorem reddere debitum, si experta sit se non posse parere sine probabili periculo mortis: ita *Laym. c. 1. n. 6. Bon. p. 4. n. 7. Sanch. l. 7. d. 102. n. 9. et Boss. c. 1. n. 173. cum Conin. Reg. Fill. et Rod.*, quia solutio debiti non obligat cum tanto detimento. Quid si mater experta sit se filios parere mortuos? Hoc casu *Laym. n. 7.* dicit quòd benè poterit uxor reddere, quia illa mors fœtus per accidens evenit; et præterea melius est puero esse cum culpa originali, quām omninò non esse; attamen *Boss. l. c. et Bon. n. 14. cum Rodr. Vict. Led. et Reg.*, tenent eam non posse reddere, quia mater ex morte prolis (ut ait etiam *Bossius*) exponitur magno periculo vitæ. Excipit tamen *Bon. l. c. cum aliis*, nisi adsit periculum incontinentiæ, et huic consentit *Sanch. l. 7. d. 102. n. 8.* addens, quòd si perpetuò propter hanc causam deberent conjuges ab usu matrimonii abstinere, essent ipsi in maximo incontinentiæ periculo. An

autem uxor, quæ non possit reddere propter arctitudinem vasis, teneatur puti incisionem? *Via dicenda n. 1099.*

“ 954.—‘Quæres, an aliquando liceat impedire prolis generationem?

“ “ Resp. Possunt quidem conjuges ex gravi causa aliquid facere, ex quo per accidens sequatur effusio seminis: peccant tamen, si in usu matrimonii, vel post usum faciant aliquid quo impediatur conceptio, aut semen conceptum rejiciatur. Ratio prioris est, quia non impeditur generatio, ne indirectè quidem, sed tantum permittitur, ut non fiat, quod licet ex causa rationabili. Ratio posterioris est, quia agunt contra fidem, et finem principalem matrimonii. Unde tales non excusat paupertas imminens, aut periculum ex partu.’”

Unde resolves:

“ “ 1. Licitè interrumpitur actus conjugalis, etsi ex naturæ concitatione secutura sit pollutio, dummodo sit justa causa interrumpendi, v. g. si ex continuatione immineat periculum morbi, vel mortis ab hoste, vel aliquis aliis interveniat. *Vide Per. d. 49. s. 9.*’ (*Ita etiam Sanch. l. 9. d. 19. n. 4. Pal. p. 4. §. 3. n. 3. et Boss. c. 9. num. 60. cum Less. Perez, et Aversa, ac Salm. de matr. c. 15. p. 6. n. 81. cum Cajet. Dic. etc.*)

“ “ 2. Peccat probabiliter foemina, quæ in usu matrimonii aliò animum distrahit, ne natura excitetur, venialiter tamen, si ex *Per. l. c. num. 7.* docet *Sanch.*’ (*Sed verius est, id esse mortale, juxta dicta num. 918. v. Sed redeundo.*)

“ Dicunt *Sanch. l. 9. d. 20. n. 3. Pont. l. 10. c. 13. n. 1. Salm. ibid. n. 75. Bon. p. 6. n. 18. cum Reb. Hurt. et Reg. ac Boss. c. 9. n. 3. cum Fill. Fag. Diana, et Vill.* quòd uxor peccabit mortaliter, si statim post copulam mingit, aut surgit, vel aliud aliquid facit, animo ut semen receptum expellat, quia frustrat finem ad quem semen est à natura institutum; ita præfati AA. contra *Tamb. Dec. l. 7. c. 3. §. 5. n. 14.* qui cum *Bellochio* id excusat à mortali, eò quòd matrix mulieris, semine effuso, semper retinet id quod necessarium est ad generationem. Dictum est autem, si mulier id facit *statim, et animo expellendi semen*, nam si id faceret ex aliqua necessitate, putà ad vitandum periculum mortis, aut scandalum aliorum, omnes dicunt non peccare; sicut etiam convenient non opus esse, ut uxor post copulam diu immota et resupina maneat, eò quòd brevi tempore matrix semen attrahit, et arctissimè clauditur.

“Dubitatur autem hic 1. an puella violenter oppressa, possit licet expellere incontinenter semen viri immissum ne concipiat? Affirmant *Sanch. lib. 2. d. 22. n. 17. et Boss. c. 9. n. 5. cum Raynaud. Marchant. ac Diana*, et non improbabile putat *Escob. l. 25. n. 301*, quia (ut ajunt) tunc puella licet expellit semen tamquam sui honoris aggressorem, cum illud non adhuc sit in pacifica possessione uteri. Sed rectius id non admittunt *Pontius l. 9. c. 10. n. 4. Tamb. Dec. l. 7. c. 3. §. 5. n. 14.* et hanc tenet etiam ut veriorem *Escob. l. c. cum Leand.* Huic ego etiam adhaesi *l. 4. n. 394. v. Dicunt*, et hic quoque adhaereo, quamvis diversa ratione ductus. Ratio cur haec sententia mihi probatur, est, quia numquam licet ejicere semen effusum, atque receptum in utero, ubi statim ac recipitur (quod puto quidem statim recipi) habet suam pacificam possessionem; unde non potest mulier ab eo expellere, quia injuriam irrogaret naturae, sive speciei humanae, cuius propagatio impeditur. Merito tamen et communiter dicunt AA. tam primae, quam secundae sententiae, quod mulier vi oppresa benè possit se vertere (imò dico tenetur), et coitum interrumpere, quamvis semen viri esset extra vas effundendum; tunc enim non expellitur semen immissum, sed impeditur ne immittatur et ideo tunc licet illud repellitur tamquam violentus honoris aggressor.

“Dubit. 2. an liceat conjugibus copulari, si ob senectutem vel aliam dispositionem plerumque accidat, quod semen extra vas effundatur? Affirmant probabiliter *Boss. c. 7. n. 190. Bon. p. 6. n. 17. Spor. n. 222. Laym. l. 3. Sect. 4. n. 19. Sanch. l. 9. d. 17. n. 24. cum Henr. et Croix n. 318. cum Gab.*, modò adsit spes probabilis seminandi intra vas, quia semper ac adest talis spes, jus habent ad copulam, et si semen effunditur, hoc per accidens evenit: *vide dicenda n. 1066. in fin*” —(p. 414. t. 7. lib. 6. tract. 6. cap. 2.)

I think it is indisputable, after the mass of evidence which I have given, that the most obscene subjects are debated in the confessional, between the Priest and the Penitent.

IMMORAL INFLUENCE OF THE CONFESSORIAL.

III. We shall now consider the tendency and direct influence of the confessional.

1st.—It enslaves the mind and lays the people prostrate at the feet of the Priest. The confessor knows the state, the circumstances, and the future intentions of the penitent, and it is his duty to withhold absolution and visit him with the

penalties of the Church, if he be not prepared to act according to the admonitions given. All must confess—from the monarch to the lowest subject—all must kneel at the feet of the confessor, who is considered as “God in the confessional,” and place themselves under his control; the will of princes must yield to that of the Priest, and the awful consequences of *non-absolution* await those who would be their own masters. Here is despotism of the worst kind; Rome lays claim to absolute power, and to the world as her kingdom.

2ndly.—It demoralizes the mind. I have proved largely and indisputably, that the Priest is instructed in the nature of sin with all its varieties, preparatory to his examination of the penitent in the confessional—he is bound by the unnatural law of celibacy under the most fearful obligations. Let us suppose the case of a young Bachelor Priest placed in a large parish: at a time when he was unable to form a decided opinion whether he possessed the gift of celibacy or not, he was led to vow eternal dedication to that state: he is instructed in such treatises as that on “the use of matrimony” to which we have directed attention, and of which Liguori himself says, that it is sufficient to “disturb pure minds.” He is conscientious—he struggles under the yoke which was imposed upon him, and sighs beneath the corruptions of the heart, which is described by the inspired penman as “deceitful above all things and desperately wicked”—the carnal propensities of which are drawn out and inflamed by the foul and obscene treatises in which he is instructed; he groans beneath the wickedness of his nature and exclaims, “Oh, wretched man that I am, who shall deliver me from the body of this death?” He is at length convinced that the way to avoid unholy thoughts is to avoid those things which suggest them; he determines that henceforth he will not think or speak of the things that are done of them in secret, but obey the apostolic injunction, “Finally, Brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, if there be any praise, think on these things.” With righteous indignation he casts the unholy book from him, he feels that impurity is in its contents. Wretched man! the remembrance of his eternal vow seizes upon him—he must either approve of the duties of the confessor’s office, or become in his estimation

a wretched, perjured, sacrilegious heretic. He must go forward—penitents of every grade and condition present themselves : his time is for the most part occupied in hearing confessions. Now, in private, he is brought into personal contact with sinners of every kind : the sins of which before he had only read, are now poured out by *human* lips into a *human* heart—all secrets are made known ; unchastity, in all its varieties, and with all its circumstances, is minutely detailed—the young, the lovely, pour into his yet tender heart every emotion—the debauched, the profligate, the unchaste are there to make known their guilty state. Thus he listens to and is bound to elicit the most unholy thoughts : he is brought into private personal contact with all his parishioners, and that constantly. The wife tells the secrets of her husband—aye, secrets peradventure which the husband knows not. Mothers, wives, daughters, sisters, make confessions of which the children, the husbands, the fathers, the brothers know nothing. The things which are done in a world that “ lieth in the wicked one,” are here fully and freely canvassed.

The Confessional becomes a very hell, and that young man, once conscientious and virtuous, who under other circumstances would have been an ornament to society, must necessarily feel the baneful influence. His conscience is at length seared—his mind—the receptacle of all obscenity, must itself become obscene. He is familiarized with sin. He can now converse on it unblushingly with even the most modest of the opposite sex. He must be an angel and not a man if he be not ultimately demoralized, debased, and wretched. Accursed and thrice accursed system,—most powerful engine for the destruction of all modesty and virtue ;—thrice accursed, for this system is called by the name of religion—Christianity ! If the confessional demoralize the mind of the confessor himself, what effect will it have on the penitent ?—A youthful wife, who has promised undivided allegiance to the man of her choice, must detail thoughts and secrets to the confessor, which modesty would forbid to mention even to her husband. At first she shrinks from the office—she kneels besides the priest—her bosom heaves with modest emotion, but it must be told. Modesty in the confessional is sin, and if through modesty any circumstance be not detailed, then the penitent must answer for the sin of sacrilege. The father priest—the young man it may be—must now gently interfere. “ Be

ashamed of nothing," he says, "remember that I am your father, and hold the office of God's representative, therefore tell all." She hesitates—she weeps—her heart strings are ready to burst—the disclosure is made, the secrets of her husband are unfolded—the sacredness of the marriage state is intruded upon. *The confessor knows as much as, nay even more than, her own partner.* He is now her master. She goes to confession again—again—again—the oftener the more devout. At length she no longer feels the glow of modesty to crimson her cheek—she has now learned to speak unblushingly in private to a *man* on subjects which she could not mention to her own sex or her husband. The confessor is her confidant—her adviser, her ruler;—weak and confiding as her sex is, she has committed her all to him, and she is in his power. Roman Catholic husbands, is it possible that you know of these things? Yes, you do. Then blush when you meet the confessor of your wife, and remember that he is in reality her virtual lord. Have you the feelings of our common humanity, and does not your blood boil with indignation at these things?—Slaves of priestly despotism be free; let no man rule your homes.

3rdly. The confessional has led, according to the admission of Rome herself, to acts of immorality. Can this be otherwise? The confessional must necessarily demoralize the mind, and the immoral priest through the confessional has full scope for carrying out his wicked designs.

The female sex are generally confiding and easily led. How immense is the power which the priest must obtain over women in the confessional.

Michelet in his work, "Priests, Women, and Families," ably describes this.—

"Cruel man! do you not see that the poor woman is dying? that she is becoming weaker at every burst of grief? What is it you want; her downfall! But in this prostration of strength, in this terror of despair and abandonment of dignity, is there not already a complete downfall? No; what he wants till now, is, that she may suffer as he does, resemble him in sufferings, and be his partner in his woes and frenzy. He is alone: then let her be alone. He has no family; he hates her as a wife and mother; he wants to make her a lover, a lover of God: he is deceiving himself in deceiving her.

"But in the midst of all this, and fascinated as she is, she

is not, however, so blind as you might believe. Women, even children are penetrating when they are afraid ; they very soon get a glimpse of what may comfort them. This woman, while she was dragged at his feet as a frightened yet caressing suppliant, did not fail to notice, through her tears, the emotion she excited. They were both in emotion together—this is to be an accomplice. They both know (without, however, knowing it clearly, but confusedly through instinct and passion,) that they have a hold upon each other, she by desire, and he by fear.

“ Fear has much to do with love. The husband in the middle ages was loved by the wife for his very severity. His humble Griselda recognised in him the right of the paternal rod. The bride of William the Conqueror, having been beaten by him, knew him by this token for her lord and husband. Who has this right in our age ? The husband has not preserved it—the priest has it and uses it ; he ever holds over woman the rod of authority ; he beats her submissive and docile with spiritual rods. But he who can punish, can also pardon ; the only one who can be severe, he alone has also what with a timid person is accounted supreme grace—clemency. One word of pardon gains for him instantly, in that poor frightened heart, more than the most worthy would obtain after years of perseverance. Kindness acts just in proportion to the severities and terrors that have preceded it. No seduction is comparable to this.

“ How can that man be resisted, who, to force one to love him, can entice by the offer of Paradise, or frighten by the terrors of hell ? This unexpected return of kindness is a very dangerous moment for her, who, conquered by fear, with her forehead in the dust, expects only the fury of the thunderbolt. What ! that formidable judge, that angel of judgment, is suddenly melted ! She, who felt already the cold blade of the sword, feels now the warmth of a kind friendly hand, which raises her from the earth. The transition is too great for her ; she had still held up against fear, but this kindness overcomes her. Worn out by her alternate hopes and fears, the feeble person becomes weakness itself. * * * *

“ To be able to have all, and then abstain, is a slippery situation ! who will keep his footing on this declivity ? ” *

THE CONFESSIONAL HAS LED TO IMMORALITY.

It is indisputable that the confessional has led to immorality. This we learn from the statements of Liguori himself. He gives an appendix concerning those confessors who solicit the penitents to immoral acts. I will translate the heading of the chapter, and the matter of which it treats will be seen :

“Concerning the clause 1. of seduction, in the act of sacramental confession. 677.—Clause II. either before or immediately after. 678.—Clause III.—from the occasion or pretext of confession—what the occasion of confession means. Dub. I. whether he is to be denounced who solicits a woman asking that he may hear her to-morrow. Dub. II. whether he is to be denounced who, having heard the weakness of a woman, solicits her afterwards at home. 679.—What the pretext of confession means, and what, if according to agreement, the woman pretending illness, send for the confessor to commit sin with her. 680.—On the clause, in the confessional box or some other place pretending to hear confession there, what feigning means? and what, if the confessor solicit in the confessional box, without however the pretence of confession?” —(p. 159. t. 7. n. 676. lib. 6. ibid.)

Liguori largely treats all these questions. It will be at once seen that such things *have been* and are likely to be done.

The Priest who *solicits* *may* be denounced to the authorities of the Church, but how absurd is this —Rome places a man in such a position that, if he persist in it, he must at length be demoralized and demoralizing, and the difficulty of detection is so great that the immorality can seldom be disclosed. The confessor knows the state of each penitent—by degrees he acquires an unlimited ascendancy over his flock, and he can fix upon and hold his prey. To save appearances, however, Rome speaks of denouncing the confessor; but the very existence of the law proves the necessity for it, while the law itself is disregarded.

The *Saint* considers various cases in which it is doubted whether the confessor should be denounced. The authors differ in their views. He asks :—

“Whether the confessor is to be denounced who praises a woman for her beauty?”

Some answer in the affirmative, others in the negative, but Liguori accords with the opinion of Escobar, as follows :—

“ Sed melius distinguit præfatus *Escob. n. 640.* dicens, quod si ex modo loquendi, aut aliis circumstantiis dignoscitur confessarius laudare pulchritudinem ex pravo affectu, tunc est denuntiandus; secus si laudaret ex quadam imprudentia, vel animi levitate.”—(p. 184. t. 7. n. 702. lib. 6.)

Again :—

“ Si dicat mulieri : *memento mei, quia te ex corde diligo;* ita *Diana apud potest.* d. n. 558. cum *Ronc. in Reg. praxis.*

“ At *Bardonus excusat*; hoc melius puto explorandum ex circumstantiis.”—(p. 185. t. 7. n. 704. ibid.)

So that according to Liguori, there are circumstances when a confessor may so speak without any wrong.

The immoral acts of the confessional are again and again admitted by the Saint: for example in the “*Praxis confessarii*, No. 119, he says :—

“ 119.—IV. Summe cautus debet esse confessarius in excipiendis confessionibus mulierum. Et primo notandum, quod in decreto S. C. episcoporum 21. januarii 1610. dicitur: *Confessarii sine necessitate audire non debent mulierum confessiones post crepusculum vespertinum et ante auroram.* Loquendo autem de prudentia confessarii, ipse regulariter in confessionali cum junioribus sit potius rigi-

“ But more justly the above mentioned Escobar, num. 640. distinguishes the matter, saying, ‘that if from the manner of speaking or other circumstances, the confessor is known to praise her beauty with a depraved intention, then he should be denounced; but he should not be denounced if he praise her merely from imprudence or levity of mind.’”

“ If he say to a woman, Remember me, because I love thee from the heart. So *Dian. apud Potest.* d. n. 558. cum *Ronc. in Reg. praxis.*

“ But *Bardonus excuses him*; this more justly, I think, is to be determined according to circumstances.”

“ A confessor ought to be exceedingly cautious in receiving the confessions of women. And in the first place is to be noted, what is said in the decree of the Sacred Congregation of Bishops, on the 21st January, 1610: confessors without necessity, ought not to hear the confessions of women after evening twilight, or before morning. But in speaking concerning the prudence of the confessor, he

dus, quam suavis; nec permit-tat illas ante confessionale accedere, ut ei loquantur, et multo minus ut manus deos-culentur. In actu confessionis non ostendat se eas agnoscere ; aliquæ enim, quæ religiosæ haberí volunt, aliquando ad-vertentes se nosci a confes-sario, non faciunt integrum confessionem. Imprudentia quoque est oculos conjicere in pœnitentes, cum e confessionali recedunt, easque per aliquod tempus intueri. Ex-tra confessionale nec etiam immoretur colloquendo cum ipsis in ecclesia, omnemque familiaritatem devitet. Ab-stineat, etiam a recipiendis munusculis ; et præcipue illarum domos nunquam acce-dat, uno excepto casu gravis infirmitatis, et tunc non nisi vocatus accedat ; et tunc mag-nam adhibeat diligentiam in audiendis illarum confessio-nibus : unde januam apertam relinquit, sedeat in loco ubi videri possit ab aliis, oculosque in faciem pœnitentis nun-quam defigat. Et hoc præser-tim currit, si sint personæ spirituales, quibuscum est pe-riculum majoris adhæsionis. Dicebat *ven. P. Sertorius Capotus* diabolum ad conjungen-das inter se personas spiritu-ales ab initio uti prætextu virtutis, ut deinde affectus a virtute transeat ad personam : unde ait *S. Augustinus apud*

should generally in confession be rather rigid with his juniors than pleasant ; nor should he allow them to come to him before confession to speak to him, and much less to kiss his hands. In the act of confession he ought not to appear to know them ; for some females, who wish to be thought religious, when they perceive that they are known by the confessor, do not make a complete confession. Also, it is imprudent to fix the eyes on the penitents when they depart from the confessional to gaze upon them for some time. Out of the confessional also he should not continue speaking with them in the church, and he should avoid all familiarity. Also, let him abstain from receiving gifts ; and especially let him never approach their homes, except in the case of great sickness, and then not unless he be called for ; in which case he ought to take great care in hearing their confessions : wherefore, let him leave the door open, let him sit in a place where he may be seen by others, and let him never fix his eyes on the penitent. And this especially ought to be attended to, if they be spiritual persons with whom there is a greater danger of attraction. The venerable *P. Sartorius Capotus* says that,

S. Thomam (Opusculo 64. de Famil. Dom. etc.): Sermo brevis, et rigidus cum his mulieribus habendus est; nec tamen quia sanctiores, ideo minus cavendae; quo enim sanctiores, fuerint, eo magis alliciunt. Et idem angelicus doctor addit: Licet carnalis affectio sit omnibus periculosa, ipsis tamen magis perniciosa, quando conversantur cum persona quae spiritualis videtur; nam, quamvis principium rideatur purum, frequens tamen familiaritas domesticum est periculum: quae quidem familiaritas quanto plus crescit, infirmatur principale motivum et puritas maculatur. Et subiungit quod tales personae hoc non statim advertant, quoniam diabolus ab initio non immittit sagittas venenatas, sed illas tantummodo, quae aliquantulum feriunt, et augent affectum. Sed brevi hujusmodi personae eo deveniunt ut non amplius agant secum tanquam angeli, quemadmodum cœperant, sed tanquam carne vestiti; vicissim se intuentur mentesque sibi feriunt blandis allocutionibus, quae adhuc a prima devotione videntur procedere: hinc alter alterius præsentiam incipit appetere; sicque (concludit) spiritualis devotio convertitur in carnalem. Et quidem, o! quot sacerdotes, qui antea erant innocentes, ob similes

the devil in order to unite spiritual persons together, from the beginning made use of the pretext of virtue, that thence the passion may pass from the virtue to the person: hence says St. Augustine, according to St. Thomas, (opusculo 64. de Famil. Dom. etc.) ‘The discourse with these women should be strict and brief; neither are they to be the less guarded against, because the more holy they are, the more attractive. And the same Angelic Doctor adds, ‘although carnal affections be dangerous in all, however, it is more so to themselves when they converse with a person who appears spiritual: for although the beginning may appear pure, however, a frequent familiarity renders danger familiar: which familiarity indeed, in proportion as it increases, the principal motive is weakened, and purity is spotted.’ And he adds, that ‘such persons do not immediately perceive this, since the devil does not always throw poisoned arrows, but only those which strike but lightly and increase the affection. But in a short time such persons come to this, that they no longer act towards each other as angels, as they commenced, but as those who are clothed in flesh; they interchange looks and their minds are

adhæsiones quæ spiritu cœperant, Deum simul et spiritum perdiderunt! Advertatur hic, quod ex decreto S. C. epis. sub 21. jan. 1620. confessarii sine necessitate audire non debeant mulierum confessiones post crepusculum vespertinum, et ante auroram.

affected by soft expressions, which still seem to proceed from the first devotion; hence the one begins to long for the presence of the other; and thus (he concludes) the spiritual devotion is converted into carnal.' AND INDEED, OH HOW MANY PRIESTS, WHO BEFORE WERE INNOCENT ON ACCOUNT OF SIMILAR ATTRACTIONS, WHICH BEGAN IN THE SPIRIT, HAVE LOST BOTH GOD AND THEIR SOUL. Here is to be observed what is prescribed according to the decree of the Sacred Congregation, that confessors, unnecessarily ought not to hear the confessions of women after evening twilight, or before morning.

"120.—Deinde confessarius non adeo mulierum confessoribus sit addictus, ut per hoc homines ad se venientes audire recuset. Oh! qualis miseria est cernere tot confessarios, qui impendunt bonam diei partem in audiendis religiosis aliquibus mulierculis, quas vulgo dicunt *bizocas*; et cum postea vident ad se accedere homines aut feminas uxoratas qui sunt pleni angustiis, et molestiis, et qui ægre domos, et negotia sua relinquere potuerunt, dimittunt eos, dicendo: *Habeo aliud quod agam, ite ad alios*; unde fit ut isti, non invenientes cui sua peccata confiteantur, vivant per tot menses et annos sine sacramentis,

"120.—Moreover, the confessor ought not to be so addicted to the confessions of women, that on this account he would refuse to hear the confessions of men who come to him. OH WHAT MISERY IT IS TO OBSERVE SO MANY CONFESSORS, WHO SPEND A LARGE PORTION OF THE DAY IN HEARING THE CONFESSIONS OF CERTAIN RELIGIOUS WOMEN, WHO ARE COMMONLY CALLED, *BIZOCAS*; and when they afterwards observe men or married women coming to them, who are filled with cares and grievances, and who can scarcely leave their homes and business, dismiss them, saying, 'I have something else

et sine Deo."—(p. 104. t. 9. n. n. 119, 120. cap. 8. Prax. Conf.)

to do, go to some one else,— whence it happens, that they not coming to confess their sins, live through whole months and years, without the Sacraments and without God.' "

The warnings here given and the statements shew the great dangers of the confessional. Again, he says :

" 193.—XXI. In audiendis confessionibus mulierum, illisque pertractandis, adhibeat eam austерitatem quae conveniens est secundum prudentialiam; et ideo recuset munuscula, effugiat familiaritatem, et omnia alia quae possunt esse causa adhesionis. Ob aliquam circa hoc negligentiam, oh, quot confessarii et suas, et pœnitentium animas perdiderunt!"—(p. 145. t. 9. n. 193. cap. 10. ibid.)

" In hearing the confessions of women, and in discoursing with them, he ought to use that austerity which is in accordance with prudence; and moreover refuse gifts, avoid familiarity and all those other things which can be the cause of adhesion. OH, HOW MANY CONFESSORS HAVE LOST THEIR OWN SOULS AND THOSE OF THEIR PENITENTS, ON ACCOUNT OF SOME NEGLIGENCE IN THIS RESPECT!!!"—No. 193.

The unholy influence which the confessional is calculated to have on the mind of the priest, may be deduced from the following passage which propriety forbids me to translate in full :—

" 483.—Excipitur tamen, si præfatae actiones ponantur ex causa necessaria, vel utili, vel convenienti animæ aut corpori; tunc enim pollutio-nes ex ipsis provenientes, ad-huc prævisæ, non sunt peccata dummodo absit consensus, vel ejus periculum. Ita commu-niter *Sylvius* 2. 2. q. 154. a. 11. ad 2. *Tourn. tract.* 3. p. 498. cum *Henr. a. S. Ignat. et communi, Salmant.* n. 45. et

" 483.—However there is an exception, if the above mentioned actions are designed for a necessary or useful cause, or for the convenience of soul or body; for then the coming of themselves, although expected, are not sins, provided that consent and the danger of consent be absent. Thus *Sylvius*, 2. 2. q. 154. a. 11. ad 2. *Tourn. tract.* 3. p. 498. cum *Henr. a. S. Ignat.*

46. *Croix l. 3. p. 1. n. 925.*
Roncaglia de 6. præc. c. 7. q.
9. et alii ex D. Th. loc. cit.
 Ratio, quia tunc homo potius patitur, quam agit, dam pollutio non ex sua malitia, sed ex infirmitate naturæ procedit, ut loquitur *D. Gregorius in cap. Testamentum, dist. 6. et juxta D. Thomam*, quando unius causæ est duplex effectus æque immediatus, unus bonus, alter malus, et bonus æquivalet malo, nihil prohibet bonam intendi, et malum permitti. Hinc etiam, prævisa pollutione involuntaria, licet I. parochis, et etiam aliis confessariis, audire confessiones mulierum, ac legere tractatus de rebus turpibus; chirurgis aspicere, et tangere partes feminæ ægrotantis, ac studere rebus medicis; licet quoque aliis alloqui, osculari aut amplexari mulieres juxta momrem patriæ, servire in balneis, et similia. *Ita S. Th. p. 3. qu.*
 80. a. 7. *Sanch. dict. d. 45. ex num. 4. usque ad 8. Bon. de Matrim. q. 4. p. 10. n. 6.*
Spor. l. c. n. 650. Anacl. de 6. præcn. 53. P. Holzm. eod. tit. n. 690. Salm. l. c. n. 45.
in fin. item Petroco, t. 2. de Temp. pag. 215. cum Nav.
Cajet. et S. Ant. p. 2. tit. 6.
c. 4. in fine, ubi sic ait: Sed ubi pollutio sit omnino involuntaria, contra intentionem, non est peccatum, sicut, cum quis audit in confessione turpia,

et communi, Salmant. n. 45.
 et 46. *Croix l. 3. p. 1. n. 925.*
Roncaglia de 6. præc. c. 7. q.
9. et alii ex D. Th. loc. cit.
 commonly teach. The reason is, because in that case the man is rather passive than active, whilst does not proceed from his own wickedness, but from the infirmity of his nature, as Gregorius says in cap. *Testamentum dub. 6.*, and according to St. Thomas, when there is a two-fold effect equally immediate from the same cause, one good, the other evil, and the good equals the evil, nothing prohibits me that I should intend the good and permit the evil. Hence also, when an involuntary is foreseen, *it is lawful I. for parish priests, and also other confessors to hear the confessions of women and to read treatises concerning foul actions.*

* * * * *

But where * * is altogether involuntary, contrary to the intention, it is not a sin, just as when any one hears in confession unclean subjects, or conversing with women for a just cause; thence * * ensues.

aut loquens cum mulieribus ex causa honesta, et inde sequitur pollutio. Et idem docet *Nav. cap. 16. n. 7. II.*"—(p. 193. t. 3. n. 483. lib. 4.)

The passage which follows I can not attempt to translate :—

" Licet alicui, qui magnum pruritum patitur in verendis, illum tactu abigere, etiamsi pollutio sequatur. Ita *Busemb. supra n. 419. in fin. Bon. loc. cit. n. 8. Laym. l. 3. sect. 4. n. 13. March. Salm. n. 49. cum Trull. et Diana; item Caj. Nav. Vill. Led. Zanard. Bass. apud Moyam.* Forte dices, posse accidere, ut pruritus ille proveniat ex ipso ardore libidinis, unde extinctio pruritus, quæ per fornicationem fit, venerea delectatio potius censeri debeat. Sed respondetur, rationabilius judicandum, quod talis pruritus, quando est valde molestus, oriatur potius ex acrimonia sanguinis, quam ex ardore luxuriæ. Saltem, in dubio, prævalet libertas se liberandi ab hujusmodi molestia per tactum de se licitum, dum licite quisque potest tactu pruritum corporis abigere; etsi accidit pollutio, absque periculo consensus, per accidens, et involuntarie, ac proinde inculpabiliter accidit: ut autem iste ab eo tactu abstinere teneatur, probandum pro certo esset, pruritum illum a libidine procedere. Cæterum sapienter monet *Croix loc. cit. eos*, qui puritatem amant, ut abstineant (intellige quantum moraliter est possibile) ab hujusmodi tactibus. Idque absolute, et merito prohibet *Roncaglia loc. cit. si pruritus non sit valde molestus; permittit tamen eo casu pati aliquam commotionem, si quis non habeat virtutem illum tolerandi.* III. Sic etiam licet, prævisa pollutione, equitare causa utilitatis; *Bonac. n. 7. Sanch. n. 7. cum Navarr. Armill. Vasq. Lop. etc. Salm. n. 53. cum Less. Azor. et Dic.* Et etiam causa recreationis ut *Sporer n. 650. Anacl. n. 53. et Holzm. n. 690. cum Pichler*, et communis, ut asserit. IV. Licet decumbere aliquo situ ad commodius quiescendum. *Salm. n. 53. et 56. in fin. Spor. n. 650. Sanchez. Pal. Laym. etc. apud Croix n. 925. Holzm. n. 690. cum aliis communiter.* V. Cibos calidos aut potus moderate sumere, et honestas choreas ducere. *Sporer. n. 650. Salm. loc. cit. cum S. Ant. Tol. Less. Holzm. d. n. 690. cum Pichler etc. communiter."*—(p. 194. ibid.)

Liguori now asks, " if a surgeon who has often unhappily consented to these impurities, be bound to resign his office ?"

“ Probabile est, quod non teneatur, modo proponat debitis mediis se munire, ut dicunt *Nav. Summ. c. 3. in fine ex Salm. de 6. præc. c. 2. n. 47. cum Hurt. Anton. a Sp. S. etc.* Vide dicenda in *l. 5. n. 63. v. Quæritur. Idem dicitur de parocho, qui in eamdem misericordiam pluries lapsus fuerit in excipiendis confessionibus.” — (ibid.)*

“ It is probable that he is not bound, provided that he use due means to fortify himself, as say *Nav. Summ. c. 3. in fine ex Salm. de 6. præc. c. 2. n. 47. cum Hurt. Anton. a Sp. S. etc.* Vide dicenda in *l. 5. n. 63. v. Quæritur. THE SAME IS SAID CONCERNING A PARISH PRIEST, WHO OFTENTIMES MAY HAVE FALLEN INTO THE SAME DISTRESS IN HEARING CONFESSIONS.”*

Liguori adds, that a simple confessor may resign the office of hearing confession in such a case: not however a parish priest, save when the impurity of the confessional lays such hold on his mind, that in every or almost every instance he falls: *occasional* falls with a *hope* of amendment, will not oblige him to leave the confessional.

Let me again revert to the subject of denunciation. The confessor who solicits a penitent in the confessional to base acts, is to be denounced; but the question is asked, if the confessor should be denounced who yields to the penitent soliciting? some answer in the affirmative, but a host of authors and *Liguori say he should not.* The reason is because the penitent solicits and not the confessor, though even he should yield. Again:—

“ Quær. II. an sit denunciandus confessarius, qui, solicitatus a penitente ad copulam, renuit, et divertit ad solos tactus? Affirmant *Salm. n. 40. cum Leandr. et Dian.* Sed probabiliter negant *Pal. part 5. n. 4. Escob. n. 656. ac Trullench. Hurtad. etc. apud Salm. n. 39.* Ratio, quia femina sollicitans ad copulam, virtualiter provocat etiam ad tactus, qui ordinarie sunt praevii ad copulam; unde verifi-

“ 682.—It is asked whether a confessor should be denounced, who, solicited by a penitent to * * * refuses, but turns to other immodest actions? *Salm. n. 40.* with *Leandr. and Dian.* answer in the affirmative, but *Pal. part 5. n. 4. Escob. n. 656. ac Trullench. Hurtad. etc. apud Salm. n. 39.* with greater probability deny that he should be denounced. The reason is, because the woman soliciting

catur quod confessarius (ut supra) tunc non sollicitet, sed sollicitatus consentiat. Recte vero notat Pal. etc. d. n. 36. quod confessarius sollicitatus ad sodomiam, si ipse divertat ad fornicationem, vel contra, tunc certe sit denuntiandus, cum ipse tunc sollicitet ad actum, ad quem non fuit sollicitatus; fornicatio enim non continetur sub sodomiam, nec contra."—(p. 167. t. 7. n. 682. lib. 6.)

him to * * * virtually incites him to other immodest actions which generally precede * * * whence it is established that the confessor (as above) does not then solicit, but *being solicited consents*. But justly Pal. etc. d. n. 36. observes, that a confessor solicited to commit * * * if he turn to * * or, vice versa, should then certainly be denounced, because he in that case solicits the penitent to an act, *to which he was not solicited*; for fornication is not contained under sodomy, nor vice versa.

" 683.—It is inquired, whether a confessor soliciting to immodest actions which are only venial, should be denounced? The first opinion is affirmative * * * BUT THE SECOND MORE PROBABLE opinion IS NEGATIVE."

"Quær. III. an denuntiandus sit confessarius sollicitans ad actus tantum venialiter dishonestos? *Prima sententia* affirmat, et hanc tenent *Diana r. 5. Mazz. p. 438. Viva in prop. 7. damn. ab Alexandr. VII. et Trull. Sancius, Fagund, Leand. et D. Thom. num. 635. Secunda vero sententia probabilior negat.*"—(ibid.)

Again, he says:

"Quæritur VIII. an denuntiari debeat confessarius qui mulieri sollicitanti consentit, ob metum ab illa incussum, quod eum accusatura sit, nisi consentiat? Negat Hurtad. quia lex ecclesiastica non obligat, cum metus gravis intervenit. Hæc tamen ratio debilis est, quia talis metus non censetur gravis; judices enim

"Eighthly, it is inquired whether a confessor ought to be denounced who consents to a woman soliciting him, in consequence of a fear caused by her that she would accuse him unless he consent? *Hurtad denies that he should be denounced, because ecclesiastical law does not oblige when a great fear intervenes.* How-

non facile credunt cuique mulierculæ accusanti, uti dicunt *Salm. n. 59. et Escob.* Sed melius dici potest hunc confessarium non esse denuntianendum, quia tunc revera esset sollicitatus, non sollicitans, juxta dicta num. 681.”—(p. 172. t. 7. n. 687. *ibid.*)

ever, this reason is weak, because such a fear is not considered grievous, for judges do not readily give credence to every accusing woman, as *Salm. n. 59.* and *Escob.* say. **BUT MORE JUSTLY IT CAN BE SAID, THAT THIS CONFESSOR IS NOT TO BE DENOUNCED, BECAUSE IN TRUTH HE DID NOT SOLICIT BUT WAS SOLICITED.”**

Now comes a most important question :—

“ 689.—Quær. XI. an sit denuntiandus poenitens qui in confessione sollicitat sacerdotem? Affirmant aliqui pauci apud *Salm. num. 29.* Sed communiter et verius negant *Bonac. p. 3. n. 20. Dian. p. 1. tr. 4. r. 23. Pal. p. 9. n. 7. et Salmant. loc. cit. cum Trull. Bord. Sousa, Acunn. Sanc. et Leandr.* Ratio, quia leges poenales non sunt extendendæ de casu ad casum. Neque currit hic eadem ratio pro poenitente quæ pro confessario sollicitante, ob plura momenta quæ cuncte patent, et præcise ob suspicionem revelationis sigilli, si confessarius poenitentem denuntiaret.”—(p. 174. t. 7. n. 689. *ibid.*)

Thus the penitent who solicits the priest is not to be denounced.

“ 690.—Quær. XII. an sit denuntiandus sacerdos interpres qui sollicitat poenitentem?

“ 689.—It is asked, XI. whether a penitent is to be denounced, who solicits a Priest in confession? *Some few* answer in the affirmative. *But more commonly and more truly,* *Bonac. &c. &c. deny it.* The reason is, because penal laws are not to be extended from case to case. Neither does the same reason which applies for the denunciation of a confessor apply to that of a penitent, especially lest a suspicion should arise that the seal was broken, if the confessor denounce the penitent.”

“ 690.—It is asked, XII. whether a priest—a referee,* who solicits a penitent, should

* One consulted with the license of the penitent.

Prima sententia affirmat, et hanc tenent Freita, Trim et a Corro apud Escob. n. 689. Ratio, quia interpres non solum gerit partes poenitentis, sed etiam confessarii; unde pariter ac confessarius injuriam irrogat sacramento. *Secunda* vero sententia communissima negat." — (n. 690. ibid.)

be denounced? The first opinion affirms it. The reason is, because a referee not only acts on the part of a penitent, but also on that of a confessor; whence equally as the confessor he injures the sacrament. BUT THE SECOND MOST COMMON OPINION DENIES THAT HE SHOULD BE DENOUNCED."

Hence the referee priest who avails himself of the knowledge acquired in the confessional, and communicated to him by the confessor, is not to be denounced if he solicit a penitent to base acts.

Here is full room for wicked priests to carry out their nefarious designs. The priest in the confessional may be morally certain of evading all punishment. He knows the mind, the weaknesses, and sins of his penitent, and can form his calculations without any danger; and there is but little probability that the penitent over whose mind and body he has obtained a complete mastery, will denounce him. *The priest who commits sin with the penitent who solicits him, is not to be denounced.* The penitent is then at the complete mercy of the confessor; he can take care to place his victim in the position of the soliciting party, and thus evade all danger. The confessor's mind must necessarily be deteriorated and demoralized by the filthiness and immorality which are constantly poured into it. Regarded as God in the confessional, he sways his penitents as he will; *they speak on the most disgusting subjects—they become familiarized with each other—the wicked priest has only to place his penitent, by a little management, in the position of the soliciting party;* no one can witness the fact; he retains her in his grasp so long as he pleases, and if at length any qualms of conscience arise, (which is most unlikely in those who breathe such a polluted atmosphere) the penitent may seek another* confessor, from whom she receives absolution, *and by whom she cannot*

* The priest cannot, except in some cases, absolve his own accomplice, but the matter can be managed as above.

be compelled to denounce the former confessor, because it appears that she herself solicited him. The guilty paramour likewise reveals his sins to his own confessor, and his crime cannot be revealed, for that would be a breach of the seal—*nay, his guilt is taken away by confession, absolution, and penance!*

Rome demoralizes the mind, and gives full opportunity for the practice of immorality with impunity. Foul stain upon humanity that such a system should exist in a civilized country! In Rome is fulfilled the prediction, “AND UPON HER FOREHEAD WAS A NAME WRITTEN, MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS, AND OF THE ABOMINATIONS OF THE EARTH.”

CHAPTER XVI.

ORDERS AND ABSOLUTION.

IT seems that the very question which is debated between Episcopalianians and Presbyterians is also a subject of dispute in the Church of Rome, viz., "Whether the Episcopacy is an office distinct from the Presbytery."

"*Quæritur deinde. An Episcopatus sit ordo distinctus a Presbyteratu? Negant. S. Thom. S. Bonav. et alii; qui dicunt esse extensionem ordinis Presbyteratus. Sed communius affirmant Bellarm. Tourn. de ordin. quæst. 6. art. 1. concl. 1. Habert, Val. Aversa, etc.*"—(p. 223. t. 7. n. 738. lib. 6.)

Thus, on the one hand, St. Thomas Aquinas, St. Bonaventure, and others, assert that the office of the Episcopacy is not distinct from that of the Presbytery; while Bellarmine, Tournelly, Habert, Valdesius, and others, hold the opposite.

It is strange that, within the pale of an infallible Church, such a contrariety of opinion should exist.

ABSOLUTION.

On this subject striking admissions are made by leading Romish doctors. Liguori says :

"430. *Quæritur. II. Quænam forma in hoc sacramento proferenda sit? Plures graves auctores tenent, quod olim Ecclesia usa fuerit forma deprecatoria (*absolvat te Deus*),*

"*It is asked, II. What form should be used in this sacrament? Many grave authors hold: that the deprecative form (*may God absolve thee*), was used in the Church*

usque ad medium sæculum XIII. et quod etiam hodie haec sit in usu apud Græcos; ita *Tourn. Prael. theol. de pœnit. qu. 9. art. 1. concl. 3. Martene, Vitass. apud Concin. de pœnit. t. 9. p. 579.* Sed id negant *Baronius, Gonet, et Nicol. ap. eumd. Concin.* Imo communissime nostri theologi morales, *Suares, Soto, Lugo, Cajet. Vasq. Val. et alii plurimi cum Salm. de pœnit. c. 3. p. 2. n. 17. et Croix lib. 6. p. 2. n. 639.* censem formam deprecatoriam esse invalidam, ex eo quod Christus Dominus, hoc sacramentum instituens (*Joan. 20*), expressit sententiam proferendam esse a sacerdote uti judge, dicens: *quorum remiseritis peccata, remittuntur eis.* Unde compertum videtur necessarium esse, ut peccata ab ipsis sacerdotibus tamquam Christi vicariis remittantur, nec sufficere, quod ipsi Deum, ut remittat, deprecantur. Sed quid quid sit de hoc, hodie certum est, et de fide, debitam formam esse formam indicativam, ut declaravit Tridentinum. *Sess. 14. cap. 3. his verbis: Docet S. Synodus sacramenti pœnitentiæ formam, in qua præcipue ipsius vis sita est, in illis ministri verbis positam esse, Ego te absolvo, etc. quibus quidem de Ecclesiæ sanctæ more preces quædam laudabiliter ad junguntur.*"

until the 13th century, even as, in the present day, this form is in use among the Greeks; so *Tourn. Prael. theol. de pœnit. qu. 9. art. 1. concl. 3. Martene, Vitass. apud Concin. de pœnit. t. 9. p. 579.* But *Baronius, Gonet, and Nicol, deny this.* Yea, most commonly our moral theologians, *Suares, Soto, Lugo, Cajet, Vasq. Val., and many others, with Salm. de pœnit. c. 3. p. 2. n. 17, and Croix. lib. 6. p. 2. n. 639.* think that the deprecative form is invalid, because Christ our Lord instituting this sacrament (*John xx.*), expressed that the sentence should be pronounced by the priest as judge, saying, 'Whosoever sins ye remit they are remitted unto them.' Whence it appears to be necessary, that sins should be remitted by priests themselves as vicars of Christ, neither does it suffice that they should deprecate God, that he would remit them. But whatsoever may be said concerning it, in this day it is certain, and a point of faith, *that the indicative is the due form*, as the Council of Trent hath declared, *Sess. 14. cap. 3.* in these words: The holy Synod teaches that the form of sacramental penance, in which especially is its validity, is placed in the words of the minister, 'I absolve thee,'

—(p. 283. t. 6. n. 430. &c., to which, indeed, according to the custom of holy Church, some prayers are laudably added.)

Thus many great authors of the Romish Church hold that the ancient form of absolution was precatory. Liguori does not venture to deny this, but maintains that in this day, on account of the decree of the Council of Trent, the due form is the indicative. A host of Romish authors teach that the precatory is invalid, though it is used among the Greeks now, and was, according to the admission of other authors, *alone used until the 13th century*.

Connected with this, many other points are debated.

1. Whether the word “*te*” is necessary in the absolution. Some authors affirm that it is, while others teach that it is not, if the words “*tuis peccatis*” are used. Liguori thinks the first opinion the more probable.—(idem.)

2. Whether “*Ego te abservo*” is valid without the words “*a peccatis tuis?*” Many authors maintain the affirmative, but many others hold the opposite. Liguori himself thinks the first opinion the more probable.—(idem.)

3. Whether the words “*in nomine Patris*” are essential? Durandus, Major, and others, maintain the affirmative, but Suaresius, and a host of others, hold the opposite. Liguori espouses the side of the latter.—(idem.)

Several such questions are considered by the Saint as to the very words which may be necessary in the form. It is strange, however, that *Christ prescribed no form at all!*

CHAPTER XVII.

LAWS PROMULGATED AT ROME BINDING.

EPIOME FROM THE WORKS OF BENEDICT XIV.

APPENDED to the works of Liguori is the Epitome from the works of Benedict XIV., in which bulls, decretals, and authorities are cited, *anti-social and persecuting* in their character.

This epitome was published under the sanction of the Romish Archbishop of Dublin in the 8th vol. of Dens' Theology.

The Rev. R. J. McGhee, in his excellent work "The Laws of the Papacy," shews, that the authorities which it cites—authorities set up by the Romish Clergy for the governance of Ireland, render "Queen Victoria's government a nullity," placing the Roman Catholic population under the temporal authority of the Pope.

The Epitome establishes the following laws:—the Bull "Cœnæ Domini,"—Bull of Benedict XIV. for the restitution of property,—the 3rd Canon of the 4th Council of Lateran,—Bull for the establishment of the Inquisition,—Bull, called "Pastor Bonus," &c. &c.

Mr. McGhee indisputably shews that these Bulls have been published by the Romish Bishops in Ireland:—but even if they were not published in any locality but Rome, they would still bind the whole Church, according to the opinion of Liguori.

In vol. I., *de legibus*, he considers the following question:—

" Sed quæritur 1. an leges pontificiae (et aliorum principum non subjectorum) ut obllgent, promulgari debeant, non solum Romæ (sive in curia) sed etiam in singulis provinciis? *Prima sententia affirmat.* * *

Secunda vero sententia valde communis, et probabilius id

" But it is asked, in the first place, whether the pontifical laws and those of other princes in order to have force, ought to be promulgated, not only in Rome, (or in the court), but also in each of the provinces?

The first opinion affirms that they ought. * * *

negat, tenetque leges pontificias obligare fideles sola promulgatione Romæ peracta.* *

“ Hoc posito, cum Pontifex statuit suas bullas tantum Romæ publicari, minime verisimile est, quod ipse non alias provincias, sed solam Romanam obligare intendat. Cum Papa tantum Romanos obstringere vult, solet peculiaria edicta emanare (et hæc italicō idiomate efformat); sed statuta per totam Ecclesiam condens, eaque solemniter promulgans cum clausulis obligatoriis, procul dubio præsumitur omnes fideles obligare velle statim ac ipsis notitia pervenerit. Quæ notitia, facile est, ut e Roma ad provincias perveniat; Romæ enim convenient omnes fere nationes, et omnes prælati habent ibi suos procuratores, qui ordinarie satagunt suos principales de novis bullis, quæ promulgantur, certiores facere.”

“ BUT THE SECOND VERY COMMON AND MORE PROBABLE OPINION DENIES THAT, AND HOLDS THAT THE PONTIFICAL LAWS OBLIGE THE FAITHFUL, THOUGH ONLY PROMULGATED AT ROME.

“ This being established, when the Pontiff has determined that his own bulls shall be published only at Rome, by no means is it probable that he intends to bind only the Roman province, and not other provinces. When the Pope wishes to bind only the Romans, he is wont to put forth peculiar edicts, (and these he draws up in the Italian dialect), but in making statutes for the whole Church, and promulgating them in a solemn manner, with obligatory clauses, it is presumed without doubt, that he wishes *to bind all the faithful to their observance*, as soon as they are informed of them ; for almost all nations assemble at Rome, and all Prelates have their own procurators in that city, whose business it is to inform their own superiors concerning the new bulls.”

“ Quid in dubio, an lex usu recepta sit ? Adsunt tres sententiæ. *Prima* sententia tenet tunc legem non obligare, saltem si sit poenalis. *Secunda* sententia, quam tenet *Croix*, lib. 1. n. 591. dicit legem obligare, si sit ecclesiastica ; secus

“ When it is doubtful whether the law was received by use, does it oblige ? There are three opinions ; the first holds that it does not oblige, at least if it be penal. The second opinion, which *Croix* holds, lib. 1. n. 591. says, that the

vero, si sit civilis. *Tertia* tam
men sententia sequenda affir-
mat legem obligare." —(p.
109. t. l. n. 96. ibid.)

law obliges if it be ecclesiasti-
cal, but not if it be civil.
HOWEVER THE THIRD OPI-
NION WHICH OUGHT TO BE
FOLLOWED, AFFIRMS THAT
THE LAW DOES OBLIGE."

It is then evident that, according to the theology which was approved in the year 1839, Papal laws are binding in every Romish country, although they may have been only published in Rome. Hence the bulls, "Coenæ Domini," "Bonus Pastor," and other Papal authorities are binding in these countries, even if they had not been promulgated in the British dominions. When examined before the Committee of the House of Commons, the Roman Catholic divines admitted that these bulls, if acted upon by the Papal community, would interfere with the laws of the land—Dr. Doyle declared, that the 3rd canon of the 4th Lateran Council would "*drench our streets and our fields in blood*"—and they maintained that they were not obligatory, because they had not been published or promulgated in these kingdoms. Mr. McGhee has shewn, that they have been absolutely published by those very men in Dublin;—and according to the statements of Liguori, even if they were not so promulgated, they would yet be obligatory on all Romanists.

CHAPTER XVIII.

PERSECUTING TEACHING OF THE EPITOME.

THE epitome, which appears in the 9th vol. of Liguori's works, contains the following passage :—

“ Tenetur episcopus etiam in locis ubi officium S. Inquisitionis riget, sedulo curare, ut creditam sibi diœcesam ab hæreticis purget, et si quem repererit, poenitentia canonica punire debet ; cavere tamen debet, ne fidei Inquisitores a suo munere obeundo impeditat. Deductum vero hæreticum ad suam tribunal non minus episcopus, quam inquisitor reconciliare possunt ecclesiæ, et pro utroque foro absolvere. Quin et possunt hæreticum, postquam errores suos ejuraverit, ad simplicem confessarium pro absolutione remittere, quæ tunc data a confessario in foro sacramentali absolutio pro foro pariter externo valet. Ita in Tr. De Syn. Diœc. l. 9. c. 4. n. 3.”—(p. 345. tr. 9.)

“ A bishop is bound even in places where the office of the Holy Inquisition is in force, *sedulously to take care that he shall purge* the diocese entrusted to him *from heresies*, and if he shall find any, he ought to *punish* them with the canonical punishments ; but he ought to beware that he does not *impede the Inquisitors* of the faith from doing their duty. But the bishop no less than the Inquisitor can reconcile the heretic, when brought before his tribunal, to the Church, and grant him *absolution* in either forum. Nay, more, they can also send the heretic, after he has renounced his errors, to a single confessor for *absolution*, which *absolution* then given by the confessor *in foro sacramentali*, is of equal force *in foro externo.*”

The reference I translate as follows—“ So in tract from the Diocesan Synods, book 9. chap. 4. number 3.” Thus we are referred to the Diocesan Synods as the authority. In number 3 we find the following passage :—

“III. Inter præcipuas Pastoralis muneris curas est solerter invigilare, ne ullus contra orthodoxam doctrinam error in suam diœcesim irrepatur: quod luculenter expressit Apostolus 1. *ad Timotheum* c. 3. et *ad Titum* c. 1. Hinc nemo dubitat, quin ad Episcopum potissimum pertineat, in hæreticos inquirere, atque in illos, quos in suis erroribus pertinaces compererit, canonicas pœnis severe animadvertere. Hanc Episcoporum obligationem agnoscit, et inculcavit Auctor epistolæ ad Episcopos in Galliis, atque in Hispaniis consistentes, quam *Lucio Papæ adscriptis Isidorus*, ita Episcopos alloquens: ‘Ideo, Fratres, hortor dilectionem vestram, obtestor, et moneo, ut qua debetis, et potestis sollicitudine, vigiletis ad investigandos hæreticos, et inimicos sanctæ Ecclesiæ, et a sanis mentibus, ne pestis hæc latius divulgetur, severitate, qua potestis, pro viribus extirpetis, tom. 1. Collectionis Harduini col. 140.’ Quamquam porro hoc Lucii testimonium credatur adulterinum, adulterinum certe non est decretum Concilii Remensis anni 625. vel 630. quod *can.* 4. *tom.* 3. Collectionis *Harduini* col. 572. ab Ecclesiarum Pastoribus hæreticos diligenter perquiri, et ad Fidem Catholicam pro viribus revocari,

“III. Among the principal cares of the pastoral office is this, diligently to watch lest any error contrary to the Orthodox doctrine should creep into his diocese, which the Apostle clearly expresses in 1st Tim. cap. 3. and Tit. cap. 1. Hence no one doubts but that it most especially belongs to the Bishop to make inquiry against heretics, and against those whom he shall find obstinately persisting in their errors, *to put in force severely the canonical punishments*. This obligation of Bishops, the author of the Epistle to the Bishops in France and Spain acknowledged and inculcated, which Isidorus wrote to Pope Lucius, thus addressing the Bishops—‘Therefore, brethren, I exhort, beseech, and admonish your love, that with as much anxiety as ye ought, and are able, ye will watch to discover heretics and enemies of the holy Church, and lest this *pest* should spread farther among minds untainted, that you extirpate it according to your power with what severity you can.’ Tom. 1. Collec. Hardwin. Col. 140. Moreover, although this testimony of Lucius is believed to be spurious, certainly the decree of the Council of Rheims is not spurious of the year 625, or 630, which in *Can.* 4. *Tom.* 3. Collect.

mandavit. Et, ne inutiliter tempus teramus in re exornanda apud omnes indubitata, satis abunde erit, unam allegare sanctionem *Innocentii III.* in Concilio Generali Lateranensi IV. anni 1215. in cuius c. 3. *de hæreticis*, jubentur Episcopi singulis annis vel per se, vel per Archidiaconos, suas circumire diœceses, et sedulo indagare, an ullus in ea latitet hæretica contagione infectus; socordes vero, et negligentes, in expurganda concredita sibi diœcesi ab hæretica lue, veluti gravis flagitii reos, et Pastorali ministerio indignos, e gradu dejici, ibidem decernitur, tom. 7. Collectionis Harduini col. 22. ‘Volumus igitur, et mandamus, et virtute obedientiæ districte præcipimus, ut ad hæc efficaciter exequenda Episcopi per diœceses suas diligenter invigilent, si canoniam effugere voluerint ultionem. Si quis enim Episcopus super expurgando de sua diœcesi hæreticæ pravitatis fermento negligens fuerit, vel remissus, quum id certis indiciis apparuerit, et ab Episcopali officio deponatur, et in locum ipsius alter substituatur, qui velit, et possit hæreticam confundere pravitatem.’ Neque per hoc, quod a Sede Apostolica institutum fuerit Inquisitionis tribunal, cuius initium ad ejusdem seculi XIII. initium

Hardwin Col. 572, commanded, that heretics be diligently sought out by the pastors of the churches, and brought back according to their power to the Catholic faith. *And that we may not uselessly waste our time in illustrating a subject, undoubtedly among all, it will be abundantly sufficient to allege one sanction of Innocent III. in the fourth General Council of Lateran. An. 1215, in which Can. 3., de hæreticis,* Bishops are ordered, either by themselves or their Archdeacons, to go through their dioceses every year, and sedulously to trace out whether any one infected with heretical contagion lies concealed in it: but it is there also decreed, that those who are slothful and negligent in purging the diocese entrusted to them from the heretical pestilence, shall be deposed from their rank as guilty of a weighty crime, and unworthy of the pastoral office —(here follows the quotation from this celebrated Canon.) Tom. 7. Collect. Harduini, Col. 22. ‘We will, therefore, and command, and in virtue of obedience strictly enjoin that, for the diligently efficacious performance of these things, the bishops shall watch throughout their dioceses, if they wish to escape canonical vengeance. For, if any bishop

post tamen absolutum Concilium Lateranense IV. in quo certe nulla de Inquisitoribus a Sede Apostolica delegatis occurrit mentio, refert ‘Ludovicus a Paramo da Origine sacræ Inquisitionis lib. 2. tit. 1. c. 2.’ non est (inquam) per hoc Episcopis subductum onus, aut adempta facultas in hæreticos inquirendi: sicut deserte declaravit ‘Bonifacius VIII. in Cap. 17. de hæreticis, in 6.’ ‘Per hoc quod negotium hæreticæ pravitatis alicui, vel aliquibus ab Apostolica Sede generaliter in aliqua provincia, civitate, vel diœcesi delegatur, diœcesanis Episcopis, quin et ipsi auctoritate ordinaria, vel delegata (si habent) in eodem procedere valeant, nolumus derogari:’ sed possunt, et debent, perinde ac antea, omnem suam operam impendere, ut eamdem pestem, e sua quilibet diœcesi, eliminent; solumque cavere, ne delegatos ab Apostolica Sede Fidei Quæsitores, ubi sunt constituti, a suo munere obeundo impedian, sed pari studio, animorumque concordia, debent in opus adeo salutare incumbere, juxta modum præscriptum ‘in eodem Cap.’ per hoc, ‘atque in Clementina 1. eod. tit. et in Extravag. Benedicti XI. Cap. 1. de hæreticis.’ Jam vero tam Inquisitor, quam Episcopus potest resipiscentem hæreti-

shall have been negligent or remiss in purging his diocese from the leaven of heretical pravity, when this shall be made to appear by certain proofs, he shall both be deposed from his Episcopal office, and another shall be substituted in his place, who shall be both willing and able to confound heretical pravity.’ Nor by this tribunal of the Inquisition, which was instituted by the Apostolic chair, whose beginning Ludovicus a Paramo refers to the commencement of the thirteenth century; but subsequent to the fourth Lateran Council, for in that certainly no mention occurs of Inquisitors delegated by the Apostolic chair; (De Orig. Sac. Inquis. Lib. 2, Tit. 1. c. 2.) By this, I say, no weight was taken from the bishops, nor were they deprived of any power of making inquiry against heretics as Boniface VIII. eloquently declares in cap. 17. de hæreticis in Sex. ‘We do not mean by this, that the business of inquiring into heretical pravity is delegated to any person or persons generally in any province, state, or diocese, so as to derogate from the Diocesan Bishops, but that they also may be able to proceed in the same by their ordinary authority, or delegated if they possess it;’ but they both can

cum, aut sponte coram se comparentem, aut ad suum forum quoquomodo deductum, Ecclesiæ reconciliare, et pro utroque foro absolvere a censura, in quam propter hæresim incidit; quod pluribus ostendunt Cardinalis 'Albutius de Inconstantia in Fide c. 25. n. 35, et seq. Farinacius de hæresi quæst. 92. §. 4. n. 52. Cardinalis de Lugo de virtute Fidei disp. 23. sect. 3. §. 1. n. 52. Thomas del Bene de offic. S. Inquisitionis part. 1. dubitat. 57. et Cardinalis Petra tom. 3. ad Constit. 18. Innocentii IV. n. 27. et seq.' Quin immo uterque potest pœnitentem hæreticum, postquam suos ejuravit errores, ad simplicem Confessarium remittere, ut ab eo absolvatur: eamque absolutionem, licet a Confessario datam in foro Sacramentali, prodesse etiam pro foro externo, a cuius jurisdictione promanat, recte observat idem del Bene. Plura de ordinaria potestate Episcoporum inquirendi in hæreticos, eosque Ecclesiæ reconciliandi, congesta sunt ab Alteserra 'de Jurisdict. Ecclesiast. lib. 4. c. 3. et novissime a P. Joanne Antonio Bianchi de potestate Ecclesiæ tom. 3. lib. 1. §. 10. n. 2. et 3. Plura itidem ad rem facientia legi possunt in Colloquiis Andegavensis mensis Maii 1713. 'quæst. 4. p. 110.'

and ought just as before, to bestow all their labour to banish that same pest, each from his own diocese, and only to take care that they do not hinder the Inquisitors of the faith, delegated by the Apostolic chair, where they are appointed, from discharging their duty; but with equal zeal and unanimity they ought to devote themselves to such a salutary work according to the mode prescribed in this same chap. '*Per hoc*', and in the Clement. 1. eod. tit. and in the Extravag. of Ben. XI. cap. 1. de hæreticis. But as well the Inquisitor as the Bishop can reconcile the penitent heretic to the Church, when either voluntarily coming to appear before him, or brought by any means to his tribunal, and can absolve him in either forum, from the censure, into which, on account of his heresy he had fallen, as the Cardinal Albutius shews in many places.* * * * But moreover, either of them can send the penitent heretic, after he has renounced his errors, to a simple confessor that he may be absolved by him. And the same del Bene well observes, that this absolution, although given by a confessor in the sacramental tribunal, can also avail for the external tribunal, from whose jurisdiction it proceeds. Many authorities as

to the ordinary power of bishops instituting an inquiry against heretics, and reconciling them to the Church have been collected by Alteserra. Many also on the same subject, may be read in the conferences."

Here then is reference made to the *third canon* of the *Council of Lateran*, the atrocities of which are so great that Romanists usually repudiate it. Mr. McGhee proved in his laws of the Papacy, that those laws were published in Ireland, from the fact that they were incorporated in the works of Dens. BUT NOW, IT SEEMS THAT THEY ARE PUBLISHED IN LONDON IN THE WORKS OF ST. ALPHONSUS LIGUORI!

Under the head of *Immunitas localis* the *Epitome* contains the following passage:—

"Hæretici, aut de hæresi suspecti, Judæi post baptismum in apostasiam lapsi, possunt ab inquisitoribus extrahi ab ecclesia, sed vel ante, vel post capturam, commoneri debet episcopus. Encycl. ad Inquisit. Elapso proxime." — (p. 350. t. 9.)

"Heretics, or those suspected of heresy, Jews who after baptism have relapsed into apostasy, can be dragged by the Inquisitors out of a church, but before or after their capture the Bishop ought to be advised of it." Encyclical to the Inquisition, *Elapso proxime*.

Here then we are referred to the Encyclical of Benedict to the Inquisition which we give as follows:

BENEDICTUS PAPA XIV.

"Dilecte Fili, Salutem et Apostolicam Benedictionem.

"Elapso proxime Anno 1750, edita a Nobis fuit Apostolica Constitutio, data Idibus Martii, cuius initium est *Officii nostri*, quæque agit de locali Ecclesiarum Immunitate. In ea Nos Decessorum Nostro-

BENEDICT XIV. POPE.

"Beloved Son, Health and Apostolical Benediction.

"At the close of last year, 1750, an Apostolical constitution was published by us, given in the Ides of March, the beginning of which is 'officii nostri,' and which treats of the local immunity

rum Romanorum Pontificum Gregorii XIV., Benedicti XIII., et Clementis XII. Constitutionibus inhärentes sublatis de medio quibusdam cavillationibus et subterfugiis, quibus earum executio impeditabatur, decrevimus, atque statuimus, ut is, qui criminis excepti reus foret, si quando in immunem locum confugere, extrahi ab eo deberet, quotiescumque indicia ad torturam sufficientia haberentur, quæ delictum comprobarent; utque præterea, extractio non nisi auctoritate Episcopi, et cum interventu Personæ Ecclesiasticae ab eodem Episcopo deputandæ fieri deberet; ac demum, ut dum Curiæ Sæculari traditio fieret, indicendæ censuræ essent, ab eadem incurrendæ, nisi Extractus Ecclesiæ restitueretur, quoties ab eodem in progressu Causæ purgata fuissent indicia, ex quibus ipse patrati delicti reus arguebatur. Quia verò memorati Decessores Nostri decreverant, extractionem a loco immuni non nisi a solis Episcopis, aut a Prælatis, qui eisdem superiores essent, fieri debere, exclusis inferioribus, licet Ordinariis, ac Nullius Diæcesis, et separatum Territorium habentibus, quo in casu extractio ad vicinorem Episcopum devolveretur; idem a Nobis pariter in citata Constitutione Nostra decretum fuit.

of churches. In that, we, adhering to the constitutions of our predecessors, Gregory XIV., Benedict XIII., and Clement XII., having removed certain cavils and subterfuges, by which the execution of them was impeded, decreed and appointed that he who was accused of an excepted crime, if at any time he should fly to a place of protection, ought to be dragged forth from it, AS OFTEN AS PROOF SUFFICIENT FOR THE TORTURE COULD BE HAD, which should prove his crime; and that, moreover, he should not be dragged forth, unless by the authority of the bishop, and with the intervention of some ecclesiastical person, to be deputed by the same bishop; and, at length, that, when he was handed over to the secular power, censures were to be declared to be incurred by the same, unless the person who had been dragged forth was to be restored to the Church, as often as, in the progress of his cause, the proofs had been cleared off, on which the accused was charged with the perpetration of the crime.

“But because our before-mentioned predecessors had decreed that the extraction from a place of protection should not be made, except by the bishops alone, or by

prelates who were their superiors, excluding inferiors, although they were ordinaries and of no diocese, and those having a separate territory, in which case, the extraction of the culprit should devolve on the neighbouring bishop; the same has been likewise decreed by us in our afore-cited constitution.

“ § 1. Hæreos crimen, ut probè compertum habetis, exceptum crimen est, quique illius est reus, Asylo Ecclesiae minime guadet, iis etiam inhaerendo, quæ in Constitutione Gregorii XIV., qua Immunitatis localis regula ac norma præscribitur, decreta fuerunt. Cum autem in Congregatione Sanctæ Inquisitionis Feria quinta die 28, Januarii vertentis anni 1751, coram Nobis de more habita; excitatum dubium fuisset, quæ ratio servanda, et qui modus adhibendus esset, quoties reus Hæreos extrahendus esset ab Ecclesia, ad quam confugisset, ne in carcerem duceretur, sive cum ex vinculis, quibus tenebatur, aut ex tritemibus, aliove loco, ad quem relegationis, aut operis faciendi causa damnatus fuerat, fuga evasisset; Nobis, qui præcedenti anno memoratum Constitutionem condidimus, reservavimus, aut super hujusmodi rē pronunciaremus; quod nunc per ea, quæ sub-

“ Section 1. By adhering also to those regulations which have been decreed in the constitution of Gregory XIV., by which the rule and regulation of local immunity is prescribed; *the crime of heresy, as you well know, is an excepted crime; and he who is accused of it cannot enjoy the refuge of a church.* But since, in the Congregation of the holy Inquisition, held before us, according to custom, on the 28th of January of this year, 1751, a doubt was raised what rule was to be observed, and what mode to be adopted, as often as a person accused of heresy was to be dragged out of a church to which he had fled, lest he might be taken to prison,—whether, when he had escaped from chains in which he was held, or from the galleys, or any other place to which he had been condemned, either for imprisonment or labour, we, who composed the aforesaid con-

jicimus, præstare intendimus.

“ § 2. Aut agitur de Hære-seos crimine, quæ præcipua Tribunalis Sancti Officii inspectio est; aut de aliis exceptis criminibus, quæ immunitate non gaudent; aut de aliis criminibus, quæ minime excepta sunt, et quæ immunitate gaudent, sed ideo ad id Tribunal pertinent, quod ab aliquo ex illis commissa sint, qui, utpote ipsius Tribunalis jurisdictioni subjecti, judicium illius suquire debent.

“ § 3. Si de crimine Hære-seos agitur, cum a Decessore Nostro Joanne XXI., qui XXII., dictus est, in sua Constitutione, cuius initium; *Ex parte vestra*, in Bullario Romano Tom. I., jam decreatum fuerit, quod Hæretici, aut de Hæresi suspecti, nec non Judæi, qui, cum ad Catholicam Fidem conversi fuerint, deinde in Apostasiam incident, si ad Ecclesiam confungiunt, statim per Inquisitorem ab eadem extrahi debeant; minime quidem Nostra mens est, ut prædictæ Constitutioni derogemus, imò eamdem ob-servari volumus, eam tamen

stitution in the preceding year, have reserved to ourselves to pronounce upon this matter, which we now intend to set forth by those which we subjoin.

“ Section 2. Either the question is as to the crime of heresy, which comes chiefly under the recognition of the holy Inquisition; or other excepted crimes which do not enjoy the protection of a sanctuary; or of other crimes which are not excepted, and which do enjoy that protection, but therefore belong to that tribunal, because they are committed by some of those who, as being subject to the jurisdiction of that tribunal, ought to undergo its judgment.

“ Section 3. If the crime of heresy is treated of; since, by our predecessor, John XXI., who is called XXII., in his constitution beginning ‘*Ex parte vestra*’ in the *Roman Bullarium*, Vol. I. it has been already decreed, ‘*that heretics, or those suspected of heresy,—also Jews, who, when they had been converted to the Catholic faith, thence fell into apostasy,—if they fly to a church, ought to be immediately drugged out from theice by the inquisitor;*’ it is by no means our intention to derogate from this aforesaid con-

methodum adhibendo, ac servando, quam modo subjungimus: videlicet, quod Inquisitor, quoties hujusmodi reus ab Ecclesia extrahendus erit, omnem adhibeat curam, ut id majori, qua deceat, erga Domum Dei reverentia, contingat. Et quoniam fieri omnino nequit, ut ante extractionem, indicia, quæ contra Reum habentur, Episcopo communicentur, cum Secreti lex id minime patiatur; et quoniam, ubi etiam id fieri posset, inutile id prorsus esset, cum notum sit, Sacrum Inquisitionis Tribunal ad capturam minime procedere, nisi semiplena delicti probatio præcesserit; non tamen illud omittat, ut vel ante, vel post capturam, Episcopum de ea certiore faciat, tum propter reverentiam, quæ illius Dignitati debetur, tum ut, quantum fas est, id, quod in Constitutionibus Gregorii, Benedicti, Clementis, ac Nostra decretum est, adimpleatur. Quod etiam ea de causa ita a Nobis decernitur, propterea, quod vide-rimus, olim in Congregatione Sancti Offici, quæ coram Prædecessore nostro Urbano VIII. Ferid quinta 10, Junii 1638, habita fuit, proposito casu, ac discusso dubio: *An Reus de hæresi inquisitus, configiens ad Ecclesiam, debeat extrahi ab Episcopo, vel Inquisitore: Pontifex, auditis*

stitution; on the contrary, it is our will that the same shall be observed, by attending to and following, however, that method which we now subjoin, namely,—that the inquisitor, as often as a criminal of this description is to be dragged out of a church, should use all diligence that this should be done with all due reverence for the house God. And since it cannot happen that, before dragging him forth, the proofs which are had against the criminal can be communicated to the bishop, since the law of the secret by no means allows it; and since, wherever it could be done, it would be wholly useless; since it is known that the secret tribunal of the Inquisition by no means proceeds to a capture, unless an almost complete proof of the crime has preceded; he should not, however, omit that, either before or after the capture, he should certify to the bishop of it, as well on account of the reverence which is due to his dignity, as that, as far as possible, that may be carried into effect which has been decreed in the constitutions of Gregory, Benedict, Clement, and ours;—which also is decreed thus by us, on this account, because that we have seen formerly in the Congregation of the Holy

votis respondit, Reum posse extrahi ab Inquisitore, certiorato ante, vel post, Ordinario.

Office, which was held before our predecessor, Urban VIII., on the 10th June, 1638, the case being proposed, and the doubt discussed,—‘Whether a criminal being charged with heresy, flying to a church, ought to be dragged out by the bishop or the inquisitor?’ the Pontiff having heard the votes, answered, ‘*that the criminal can be dragged out by the inquisitor, the bishop being certified of it either before or after.*’

“ § 4. Ubi autem de aliis criminibus exceptis agatur, quæ tamen hæreseos minime sint, ac multo magis si de iis agatur, quæ inter excepta non recensentur, etiamsi ad Sacri Tribunalis cognitionem, vel quia ab aliquo ejusdem jurisdictioni subjecto commissa sint, vel alio quocumque nomine, pertineant; declaramus, eos, qui casuum minime exceptorum Rei sunt, Immunitate gaudere debere; quoties autem casuum exceptorum Rei, qui tamen Hæreseos Rei non sint, ab Ecclesia extrahi debeant, ea omnia exakte observanda esse, tum quæ in Constitutione Nostra, tum quæ in aliis præcedentibus Constitutionibus decreta sunt, indicia nimirum, quæ ad torturam sufficientia sint, Episcopo communicari debere, cum hic Secreti lex minime impedimento sit; Præterea

“ Section 4. But when the question is of other excepted crimes, which, nevertheless, are by no means belonging to heresy, and still more if it is of those which are not counted among excepted crimes, (that is, excepted from the privileges of the sanctuary,) although they may belong to the cognizance of the sacred tribunal, either because they are committed by some person subject to the jurisdiction of the same, or under any other name whatsoever; we declare that those who are accused of crimes which are not at all excepted, ought to enjoy the immunity (of the sanctuary); but, as often as those accused of cases excepted, but who are not accused, nevertheless, of heresy, ought to be dragged forth from a church, all those things ought to be exactly

extractionem nonnisi auctoritate Episcopi, et cum interventu Personæ Ecclesiasticæ ab eodem deputandæ faciendam esse ; aliaque omnia servanda, quæ in dictis Constitutionibus leguntur.

observed, as well those which are decreed in our constitution, as those which have been decreed in the other preceding constitutions, namely,—that *the proofs which are sufficient for the TORTURE* ought to be communicated to the bishop, since the law of the secret by no means prevents this ; besides, that the criminal ought not to be dragg'd forth without the authority of the bishop, and the intervention of some ecclesiastical person deputed by him, and that all other things are to be observed, which are decreed in the aforesaid constitutions.

“ § 5. Quæ hactenus dicta fuerunt, eorum etiam respectu servanda sunt, qui ex carceribus, sive ex tridume, sive ex loco eorum relegationis effugiunt, et in Ecclesiæ alicujus, vel loci immunis asylum sese recipiunt ; si enim hi Rei, vel damnati propter Hæreseos crimen sunt, eorum extractio ab Inquisitore facienda erit, ita tamen ut de ea, vel ante, vel post, Episcopus certior fiat ; si vero Rei, aut damnati sint propter aliud delictum exceptum, non autem propter crimen Hæreseos, sive pro alio delicto, quod minime exceptum sit ; quoad primos, extractio fiat Episcopi auctoritate, et Ecclesiastica Persona interveniente, ab eodem Epis-

“ Section 5. — What has been said hitherto is to be observed, even in respect to those who fly from prison, or from the galleys, or from any place of confinement, and betake themselves to the asylum of a church or any sanctuary ; for if they are accused or condemned of the crime of heresy they are to be dragg'd out by the inquisitor, but so that the bishop be certified of it either before or after. But, if they are accused or condemned of any other excepted crime, but not of the crime of heresy, or for any other crime which is not excepted ; as to the first, let them be dragg'd forth by the authority of the bishop, and the

copo deputanda; quoad secundos autem, ii in Asylo, ad quod configurerunt, remanere sinantur, etiamsi ex triremibus cum catenis effugerint, dummodo a prædictarum triremium, aliorumve Justitiae Ministerorum manibus liberi essent; nisi forte Episcopus indultum a Sede Apostolica habeat, ut a triremibus fugitivos extrahere ab Ecclesiis possit, cum in hoc casu, ob fugitivum recuperandum, ad eumdem recurrere liceat; vel etiam ad Apostolicam Sedem, si hujusmodi indulto Episcopus careat; cum ipsa Sancta Sedes in particularibus casibus, quoties id delictum exigat, nequaquam renuat Episcopis auctoritatem imperfiri eos ab Ecclesiis extrahendi, qui e carceribus ac triremibus effugerint, licet criminis excepti minime Rei sint. Hæc Inquisitoribus, quæ significaremus, habuimus, atque interim illorum singulis Apostolicam Benedictionem impertimur.

“ Datum Romæ apud Sanctum Mariam Majorem die 20, Februarii, 1751, Pontificatus Nostri Anno Undecimo.”

We have already seen that, according to the teaching of Liguori, Papal laws are binding, though only published in

intervention of an ecclesiastical person deputed by the bishop. As to the second, let them be suffered to remain in the asylum to which they have fled, although they have fled from the galleys with their chains, provided they are free from the power of the aforesaid galleys, or of the other ministers of justice; unless, perhaps, the bishop may have an indult from the Apostolic See, that he may be able to drag fugitives from the galleys out of churches; when, in this case, he may recur to the same for recovering the fugitive, or even to the Apostolic See, if the bishop should want an indult of this sort, since the Holy See, in particular cases, as often as the crime requires it, would by no means refuse the bishops to impart to them authority of dragging forth from churches those who have fled from prisons and galleys, although not accused of an excepted crime. These things we have to signify to the inquisitors, and meantime we impart to them our Apostolical benediction.

“ Given at Rome, at St. Mary Major, on the 20th of February 1751, in the eleventh year of our Pontificate.”

Rome ; but we now see that the most obnoxious Canons and Bulls of the Papacy have been published in London in the works of Liguori. Surely this is a subject which should at once be pressed upon the attention of the British Parliament, seeing that the liberties of the people are involved in it !

APPENDIX.

No. I.

UNDER the head of “restitution,” the Saint starts some curious points.

“ Sed hic dubitatur 1. An teneatur stuprator ad nuptias ficte promissas, si ipse notabiliter excedat in nobilitate [vel divitiis conditionem mulieris, et illa jam noverit disparitatem?”—(p. 530. t. 3. n. 643. lib. 4.)

Some say he is bound to marry the injured woman; but the Saint adds that *very probably* he is *not* bound.

“ Ratio, quia juramentum non obligat, nisi juxta intentionem promittentis.”—(ibid.)

“ But here it is doubted, 1. Whether a ravisher is bound to a marriage feignedly promised, if he notably exceed in nobility or wealth the condition of the woman, and she was aware of the disparity.”

“ The reason is, because an *oath* does not oblige *unless according to the intention of him who promises.*”

And so, according to the Saint a “*Stuprator*,” if he be a great man, is not bound to marry a woman, if she is much inferior to him in station, EVEN THOUGH HE HAS PROMISED MARRIAGE TO HER WITH AN OATH !!!

No. II.

The Editor has in his possession a Catechism intended for children, published by Richardson, Derby, price one halfpenny, in which the following questions are put.—“ What is incest?” “ What is fornication?” “ What is adultery?” The answers are altogether unfit for publication. This Catechism is preparatory to the Confessional.

NAMES OF AUTHORS REFERRED TO BY LIGUORI,
BOTH IN THE CONTRACTED AND COMPLETE
FORMS.

NAME IN FULL.	CONTRACTIONS.	AGE IN WHICH HE LIVED.
Abulensis	Abul.	Century.
Adrianus	Adr.	15th
Alexander	Alex.	16th
Antoine	Ant.	15th
Anacletus	Anacl.	18th
Angelus	Ang.	Century.
Armendarius	Arm.	16th
Armilla	Armil.	15th
Arriaga	Arriag.	17th
Arragonius	Arag.	16th
Aversa	Avers.	17th
Baldus	Bald.	14th
Bannez	Bann.	17th
Barbosa	Barb.	17th
Bassæus	Bass.	17th
Becanus	Bec. Becan.	17th
Bonacina	Bon. Bonac.	17th
Bordonius	Bordon.	13th
Bossius	Boss.	17th
Busembaum	Bus. Busemb. Bu- sembao.	17th
Candidus	Cand.	16th
Cajetan	Caj.	16th
Cardenas	Card.	18th
Concina	Conc.	16th
Covarruvias	Cov. Covar.	17th
Decius	Dec.	16th
Delrio	Del.	17th

NAME IN FULL.	CONTRACTIONS.	CENTURY.
Diana	Dian.	17th
Diocastillo	Dic. Dicas. Dicastill.	17th
Elbel	Elb.	18th
Fagnanus	Fagn.	17th
Fagundez	Fagun.	17th
Farinacius	Farin.	17th
Felinus	Fel.	17th
Filguera	Fil.	
Filliucius	Fill. Filliuc.	17th
Gabrina	Gabr.	
Galenus	Gal.	16th
Gerson	Gers.	15th
Gobatus	Gobat.	17th
Gormaz	Gorm.	
Graffis	Graff.	16th
Granado	Gran.	17th
Guttierez	Guttier.	16th
Henno	Hen.	18th
Henricus	Henr.	18th
Holzmann	Holzm.	
Hurtado	Hurt.	17th
Kellisonius	Kellison	
Koninck	Kon.	
Layman	Laym.	17th
Leander	Leand.	17th
Ledesma	Led. Ledesm.	17th
Lessius	Less.	17th
Lopes	Lop.	
Lorca	Lorc.	17th
Lugo	Lugo.	17th
Malderus	Mald.	17th
Maldonatus	Mald.	16th

NAME IN FULL.	CONTRACTIONS.	CENTURY.
Marchantius	March.	17th
Manriquez	Man.	17th
Mazzotta	Mazzot.	
Medina	Medin.	16th
Molina	Mol.	17th
Navarrus	Navar.	16th
Ochagavius	Ochag. Ochagav.	17th
Onuphrius	Onuphr.	16th
Pallavicin	Pallac.	17th
Palao	Pal.	
Paludanus	Palud.	14th
Panormitanus	Panor.	
Pasqualigus	Pasqual.	17th
Pereira	Per.	16th
Pesantius	Pesant.	17th
Petrocorensis	Petroc. Petrocorens.	
Pontius	Pont.	17th
Potesta	Pot.	
Prado	Prad.	17th
Quintanadevenas	Quintanadev.	17th
Raynaudus	Raynaud.	17th
Rebellus	Rebel. Reb.	17th
Reginaldus	Reg. Regin.	17th
Renzius	Renzi.	
Riceius	Ricc.	17th
Rodriguez	Rodr.	17th
Roncaglia	Rone. Roncagl.	18th
Sambovius	Samb.	17th
Salmanticenses (The Salamanca Doctors.)	Salm. Salmant. Sal-mantic.	
Sanches	Sanch.	17th
Sayrus	Sayr.	17th
Soto	Sot.	16th

NAME IN FULL.	CONTRACTIONS	CENTURY.
Sporer	Spor.	17th
Suaresius	Suar.	17th
Sylvester	Sylvest.	
Sylvius	Sylv.	17th
Taberna	Tab.	17th
Tamburini	Tamb.	17th
Tanner	Tan.	17th
Thom. S.	Thomas, Saint.	13th
Toletus	Tol.	16th
Torrecilla	Torre.	
Tournely	Tourn. Tournel.	18th
Turrecremata	Turrecer.	15th
Ugolinus	Ugol.	16th
Valentia	Valent.	17th
Victorelli	Vict.	
Viguerius	Viguer.	16th
Villalobos	Villal.	17th
Vivaldus	Vivald.	16th
Wigandt	Wig.	
Zanardi	Zanard.	17th
Zerola	Zer.	16th

I N D E X.

A.

Absolution, the indicative form of, not primitive, p. 356 ; many questions as to, p. 358.

Adjuration of devils, p. 150.

Adultery, a man may afford an occasion to his wife to commit, to test her virtue, p. 79 ; a woman guilty of, may deny her guilt in various ways, p. 108 ; a man may be induced to commit, to divert him from murder, p. 73.

Austerities of Liguori, p. 25.

Authority of Liguori's works, p. 28.

B.

Benedict XIV., epitome of his works appended to those of Liguori, p. 359 ; the epitome of, contains persecuting teaching, p. 362.

C.

Canonization of Liguori in 1839, p. 26.

Censures incurred by those who read prohibited books, amongst which are the Scriptures, p. 61.

Children may enter monasteries in opposition to parents, p. 158.

Confessional, the, the seal of, p. 215 ; disgusting interrogations of, p. 293 ; abominations of, p. 295 ; has led to immoral acts, p. 343.

Confessor may swear that he does not know what was revealed to him in the confessional, p. 98.

Contracts, made without the mind of binding, not obligatory, p. 192.

Cursing, lawful in certain cases, p. 90.

D.

Declaration of Romish Bishops, and equivocation, p. 139 ; Rev. R. J. McGhee, on the, p. 139.

Dens opposed to the probable opinions, p. 32 ; says that the fourth rule of the Index is relaxed in Protestant Countries, p. 63.

Diocesan Synods, contain reference to third canon of the Fourth Council of Lateran, p. 364.

Disgusting character of treatises on the Sixth and Ninth Commandments, p. 164.

Dissimulation, sanctioned by Liguori in the profession of faith, p. 65 ; various modes of, p. 69.

Drunk, a man may be induced to get, that he may be impeded from a greater evil, p. 81.

E.

Equivocation, lawful under certain circumstances, p. 92 ; to swear with, lawful, p. 94 ; various instances of lawful equivocation, p. 115 ; Mr. Waterworth's false statement as to, p. 118 ; how the Romish Member of Parliament employs equivocation at the very time he declares that he does not use it, p. 286.

Evil, the lawfulness of doing, taught by Liguori in many ways, p. 72.

F.

Fourth rule of the Index prohibits the reading of Scripture, without permission, p. 60 ; referred to, by Liguori, p. 60 ; relaxed in Protestant countries, p. 63.

G.

Gallican Synod condemned the probable opinions, p. 41 ; opposed to Liguori on the obligation of oath taken without the intention of binding, p. 131.

H.

Harlots, it is lawful to let houses to, under certain circumstances, p. 87.

Heresy, definition of, p. 198 ; a crime against the common good, p. 202 ; parents bound to denounce children, and *vice versa*, guilty of, p. 204 ; ranked with sodomy, forgery, &c. p. 205 ; an excepted crime, so that he who is guilty thereof may be dragged from the Church, p. 369.

I.

Infallibility of the Pope, three opinions in the Church of Rome as to, p. 47 ; Liguori argues for, p. 48 Dr. Kenrick, Bishop of Philadelphia, in reference to, p. 48 ; the difference of opinion amongst Romish divines on, leads to the Protestant conclusion, p. 50.

Inquisition, the tortures of, sanctioned by Liguori, p. 200 ; parents must denounce their own children to, and *vice versa*, if guilty of heresy, p. 204 ; sufferings of Lithgow in the, p. 210 ; sanctioned in the *epitome*, appended to Liguori's works, p. 362.

K.

Dr. Kenrick, false statement on the infallibility of the Pope refuted, p. 49.

L.

Liguori, his early life, p. 17 ; his abandonment of the law, p. 18 ; his ordination, p. 19 ; his restoration to health by the intercession of the Virgin, p. 20 ; miraculous manifestation in his favour, p. 20 ; he establishes the order of Redemptorists, p. 21 ; his miracles, p. 23 ; his austerities, p. 25 ; his canonization, p. 26 ; the authority of his works, p. 28.

M.

McGhee, Rev. R. J. on declaration of Romish Bishops, p. 139 ; his laws of the Papacy, p. 359.

Miraculous manifestation of the Virgin to Liguori in the sight of an immense crowd, p. 20.

O.

Oaths, taken with the mind of swearing, but without the mind of binding, are not absolutely obligatory, p. 130 ; lawful to use equivocation in, p. 94 ; instances in which oaths may be violated, p. 132 ; may be dispensed, p. 138 ; oaths accepted by the third party may be violated in certain circumstances, p. 143.

Orders, difference of opinion as to, amongst Romish divines, p. 356.

P.

Plurality of livings allowed, p. 195.

Pontiff Supreme, can commute wills, p. 193 ; his laws binding though promulgated only at Rome, p. 359.

Probable opinions; their rise, p. 32 ; Dens opposed to, p. 32 ; Papal bull in reference to, p. 36 ; Liguori on, p. 36 ; definition of, p. 37 ; Liguori's argument for, p. 38 ; condemned by a Gallican synod, p. 41 ; how the confessor is to conduct himself in reference to, p. 43.

Prohibition of books, Liguori's account of the order by which the Church of Rome acts in the, p. 53—Scripture in the vulgar tongue included in the, p. 58.

Q.

Question by torture sanctioned by Liguori, p. 200.

R.

Redemtorists, origin of the Order of, p. 21 ; the austerities of, p. 22.

*

S.

Sab bath, Papal observances of the, p. 158.

Scripture, prohibited to be read in the vulgar tongue except in certain circumstances, p. 58 ; Councils which forbade the reading of, p. 59 ; the fourth rule of the Index forbids the Scripture to be used without permission from the Superior, p. 60.

Seal of the Confessional, violation of the, a sin of fearful character, p. 217 ; may not be broken though the safety of a whole nation be at stake, p. 217 ; a license may be granted by the penitent to violate the seal, p. 253 ; if it be doubted whether the penitent granted the license, the confessor is to be believed rather than the penitent, p. 255.

Servants may in certain circumstances assist their masters in committing sin, p. 83 ; may deny that their masters are at home, p. 111 ; may remunerate themselves, p. 183.

Stealing, a man may afford an opportunity of, to his servants, in order to detect them, p. 77.

Suicide, indirectly, lawful to commit, p. 161.

T.

Taylor, Bishop Jeremy, on adjuration of devils, p. 153.

Theft, morality of the Saint as to, p. 177.

U.

Unity, want of, in the Church of Rome on fundamental points, p. 50.







